
(2008) 01 JH CK 0063
In the Jharkhand High Court

Ram Kishore Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-01-2008

Acts Referred:

Citation : (2008) 2 JCR 437

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J.—In this writ petition the petitioner has prayed for a direction on the Incharge Principal, Government Polytechnic, Ranchi to release the amount of Rs. 73,546/- in favour of the petitioner which has been wrongly and arbitrarily deducted from the amount of his gratuity and also to pay the arrear of his salary for the month of February 2000. The petitioner has also prayed for interest on the said dues. It has been stated that the said amount has been arbitrarily deduced as the house rent whereas no quarter was even allotted to the petitioner during his sendee period.

2. The petitioner retired in the year 2002, but during his service period he was not paid his salary for the month of February 2000. The said respondent has arbitrarily deducted the amount of Rs. 73,546/- on the pretext of realization of the arrears of house rent, whereas no quarter was ever allotted to the petitioner. The petitioner made representation before the concerned authority and the Additional Secretary to the Government, Science and Technology Department, Government of Jharkhand, Ranchi ever passed a clear order dated 13.7.2007 to release the said amount in favour of the petitioner which has been illegally deducted from the amount of his gratuity, but the said amount has not been released by the respondent No. 5 till date. The said respondent has also not paid the arrear of salary for the month of February 2000 neither he has passed any order till date.

3. Mr. H.K. Mehta, learned G.A. appearing on behalf of the respondents, submitted that after a clear order of the Secretary, the respondent No. 5 has no

business to withhold the said amount of the petitioner which has been arbitrarily deducted from his gratuity. So far as the arrear of salary for the month of February 2000 is concerned, learned Counsel accepted that if the said amount was due, the same must have been paid or if there is any difficulty in payment thereof, the respondent No. 5 should have passed an order.

4. Considering the said submissions made by learned Counsel for the parties and in the facts and circumstances of the case, this writ petition is disposed of directing the In-charge Principal, Government Polytechnic, Ranchi (respondent No. 5) to release the said amount in favour of the petitioner which has been arbitrarily deducted from his gratuity within a period of two weeks from the date of receipt/production of a copy of this order. If the salary for the month of February 2000 is still due, the same shall also be paid within the said period. If the said respondent disputes the said claim of salary, he shall pass a reasoned order in accordance with law within the said period. If the said amount and the admitted arrear of salary are not paid within the said period, the same shall carry interest @ 10% per annum till final payment in addition to the statutory interest payable on delayed payment of such dues and in that case, the State Government shall be at liberty to realize the amount of penal interest from the respondent No. 5.