
(2002) 10 JH CK 0045
In the Jharkhand High Court
Case No : Writ Petition No. 5217 of 2002

Ram Lakshan Prasad Singh APPELLANT
Vs
State of Jharkhand and Others RESPONDENT

Date of Decision : 08-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 10 JH CK 0045

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajesh Kumar, for the Appellant; A. Allam, G.P. II, S. Shrivastava, for A.G, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred for payment of gratuity and arrears of salary for the certain period.

2. The case, of petitioner is that he was appointed as Overseer on 12th December, 1963 in Public Health and Engineering Deptt., Govt. of Bihar and subsequently promoted as an Assistant Engineer. He retired as an Assistant Engineer, Deptt. of PHED, Simaria Sub-Division, under P.H. Division, Chatra on 31st May, 2001. It is alleged that the gratuity has not been paid to the petitioner as Dy. Secretary, Personnel Claims Settlement Cell, Patna has not forwarded the Service Book of petitioner to A.G. (AE) II, Bihar and Jharkhand and the arrears of salary has not been paid on the ground of non-availability of fund as evident from letter dated 9th July, 2001 (Annexure-2).

3. Having regards to the facts and circumstances, as it is for the respondent to determine the issue at first instance, instead of directing them to file a counter affidavit, the case is remitted with direction to finalise the claim and pay the admitted gratuity and arrears of salary, if any, within a period of three months from the date of receipt/production of the copy of this order.

4. If the respondents dispute any claim/or withheld any amount will forward the

grounds (s) to the petitioner.

5. The petitioner will produce a copy of this order before the Secretary, PHED, Jharkhand; Dy. Secretary, Personnel Claims Settlement Cell; Finance Deptt., Patna and A.G. Bihar and Jharkhand to ensure compliance.

6. The writ petition stands disposed of with aforesaid observation and direction.