

(2005) 06 JH CK 0031

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2930 of 2005

Rojlin Toppo

APPELLANT

Vs

General Manager, Patratu Thermal Power Station and Others

RESPONDENT

Date of Decision : 22-06-2005

Acts Referred:

Citation : (2005) 4 JCR 263

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

Bench : Single Bench

Advocate : A.K. Sinha, for the Appellant; R. Krishna, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioner for a direction on the respondents to pay the following retiral benefits and other dues :

(i) Gratuity

(ii) 100% pension @ Rs. 3737.50 per month as fixed vide Memo No. 1611, dated 10.5.2004 (presently the petitioner is getting 90% provisional pension @ Rs. 3364/- per month w.e.f. 01.11.2002).

(iii) House Rent Allowance : for 17 years.

(iv) Overtime Allowances

(v) Arrear of salary : (as per Vth PRC Report)

(vi) Arrear of salary : (Payable as a result of promotion of the petitioner to Super Selection Grade on 27.8.1997).

(vii) Arrear of Pension : @ Rs. 373/-per month from 01.11.2002 to the date of commencement of 100% pension.

(viii) Interest @ 12% per annum on all the dues from the date it became due till the date of actual payment on account of delay in making the payment.

(ix) Other legal entitlements.

2. According to the petitioner she retired from the services of Jharkhand State Electricity Board on 31st October, 2002 from the post of Mid-wife while posted in Patratu Thermal Power Station Hospital, Patratu (hereinafter referred to as PTPS) District Hazaribagh. The respondents have released only 90% pension as provisional pension by Memo No. 1611, dated 10th May, 2004, GPF., GSS and leave encashment amount but rest of the dues have not been paid to him.

3. Having heard the counsel for the parties and as I find that the matter requires determination by the authorities at the first instance, the petitioner is given liberty to approach the General Manager, PTPS, Hazaribagh who will determine the claim, pass an appropriate order and if any amount is found payable the respondents will pay such admitted dues within three months from the date of receipt of the representation. Respondents will also finalise the pension, if not yet determined. On failure of payment of admitted dues respondents will be liable to pay interest @ 5% on the admitted retiral dues from the date of retirement till the amount is paid to the petitioner.

4. On the other hand, if the authority rejects the claim or part thereof will communicate the ground to the petitioner.

5. This writ petition stands disposed of with the aforesaid observations and directions.