
(2019) 07 JH CK 0058
In the Jharkhand High Court
Case No : Writ Petition(S).No. 2858 Of 2019

Shahina Praveen

APPELLANT

Vs

State Of Jharkhand & Ors

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Citation : (2019) 07 JH CK 0058

Hon'ble Judges : Dr. S.N.Pathak, J

Bench : Single Bench

Advocate : M.M. Pan, Navin Kumar Singh, Suresh Kumar

Final Decision : Disposed Of

Judgement

The petitioner, who was retired on 31.01.2019 from the post of Assistant Teacher, has approached this Court with a prayer for a direction upon the respondents to pay the post retiral benefits viz. Pension, Gratuity, amount of leave encashment and salary for working period due for the month of January, 2019 with admissible interest.

At the very outset, Mr. M.M. Pan, learned counsel for the petitioner submit that the issue involved in this writ petition is no more res integra and this writ application is squarely covered by the order passed by this Court in W.P.(S). No. 2676 of 2016. Learned counsel further submits that this case may be disposed of in terms of order passed in the aforesaid case.

Though no counter-affidavit has been filed on behalf of the respondents, however, learned counsel appearing on behalf of the respondents very fairly submits that since similar issue has already been decided by this Court on today itself in W.P.(S). No. 2676 of 2016 and if on scrutiny, the case of the petitioner is found to be on the similar footings to the cases of the petitioner in W.P.(S). No. 2676 of 2016, same benefits shall be extended to the present petitioner also.

Be that as it may, having gone through fair submissions of the parties, it appears

that similar issue fell for consideration before this Court in W.P.(S). No. 2676 of 2016 and this Court, after hearing the Counsels for the parties at length, has disposed of the said writ petition on 17.06.2019, with the following observations and directions to the State:-

"8. Be that as it may. Having gone through the rival submissions of the parties and considering the fact that no decision has been taken on the pending representation of the petitioner and also considering the fact that large number of cases in regard to retirement benefit matters are pending in this Court, I am constrained to pass a general order that the concerned Government servants or their legal heirs and representatives should raise their claims afresh by filing representation in which they should give full details of their claims and also full address for communication henceforth before the concerned Heads of Departments, who shall grant a receipt in token thereof. The Heads of the respective Departments shall get the entire claim filed before him examined through various concerned authorities including Director, Provident Fund, District Provident Fund Officers and finally dispose them of by a reasoned order dealing with each and every claim separately and shall also issue necessary sanction order/authority slip for payment of admitted dues with statutory interest as well as the interest as per various, Government circulars/decisions taken in that regard within a period of 16 weeks from the date of the receipt of the claim.

9. Let it be made clear that the main responsibility for payment of all the admitted dues of the concerned Government servant shall be of the Heads of the concerned Departments. In case of any dispute in regard to any of the claims, they shall assign reasons for not accepting the same and shall communicate to the concerned Government servant within the aforesaid time. All the formalities such as filing of the indemnity bond or succession certificate etc., are to be completed by the claimant, then they must be communicated much before the expiry of the said period so that the claimant may meet the said requirement and the delay in payment of the legitimate dues is avoided.

10. The Accountant General, Jharkhand, who is represented by Mr. Sudarshan Shrivastava is directed to issue necessary authority slip within a period of one month of the receipt of the sanction order from the concerned authority in the State Government.

11. It is also made clear that non-compliance of any part of the aforesaid directions by any of the concerned authorities would constitute contempt of this Court and will be seriously viewed. This Court may also consider to award heavy penal interest and cost besides imposition of punishment in the contempt proceeding against the concerned Heads of the Departments/Accountant General, Jharkhand, which shall be realised from their pocket.

12. Let a copy of this order be handed over to the learned Advocate General for forwarding it to the Chief Secretary, who shall circulate it to all the Heads of the Departments for its strict compliance. The Office is further directed to send a

copy of this order directly to the Chief Secretary, Government of Jharkhand and to the Director, G.P Fund, Jharkhand for circulation and its strict compliance.

13. Let a copy of this order be also handed over to Mr. Sudarshan Shrivastava, learned counsel for the Accountant General, for its strict compliance."

Accordingly, this writ application is disposed of in terms of the order passed by this Court in W.P.(S). No. 2676 of 2016 with a direction to the present petitioner to approach the respondents-authorities, by filing a fresh representation in terms of direction passed in W.P.(S) No.2676 of 2016, within a period of four weeks' from the date of receipt of a copy of this order. Upon receipt of the same, the respondent- authorities are directed to pass a reasoned order, in terms of the observation and directions passed in W.P.(S) No.2676 of 2016.

Needless to say that the entire exercise by the respondent-authorities must be completed within a period of twelve weeks thereafter and if the present petitioner is found entitled for the benefits, as prayed for, same shall be extended to her within the aforesaid period itself.