
(2008) 03 JH CK 0054
In the Jharkhand High Court

Shivakant Mishra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-03-2008

Acts Referred:

Citation : (2008) 2 JCR 644

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. In view of the nature of disputes and relief sought for, this writ petition is being disposed of at this stage itself with consent of the parties.

3. The petitioner has filed this writ petition for a direction to the respondents to pay the benefit under the Assured Career Progression (A.C.P.) Scheme with effect from 15.11.2000 along with benefit of increased salary amount, benefit of encashment of unused Earned Leave, revised amount of gratuity under the benefit of A.C.P. with effect from 15.11.2000 and revised increased amount of pension with effect from 1.8.2002 apart from the other retiral dues of the petitioner who retired from service on 31.7.2002 from the post of Extension Educator, Health Department from Sadar Block, Dumka.

4. In paragraph-4 of the counter-affidavit filed on behalf of the State it has been stated that the petitioner has been granted benefits of A.C.P. by the Regional Deputy Director, Health Services, Santhal Pargana Division, Dumka w.e.f. 9.8.1999. It has also been stated that the statement has already been prepared in the prescribed form for payment of financial benefit due and also to grant benefit of A.C.P. Scheme to the petitioner. Accordingly, his pay had been fixed in the scale of Rs. 6,500-200-10,500 on 9.8.1999 @ Rs. 8,500/-.

5. In paragraph-5 of the said counter-affidavit, it has also been stated that the statement along with Service Book of the petitioner has already been forwarded by the First Medical Officer, Sadar Block, Dumka on 19.9.2007 to the Regional

Deputy Director, Health Services, Santhal Pargana Division, Dumka for onwards transmission to the Commissioner, Santhal Pargana Division, Dumka for confirmation of benefits of first and second A.C.P. Scheme and on grant of confirmation of Commissioner, Santhal Pargana Division, Dumka the petitioner would be paid the financial benefits i.e. payment of difference of increased salary in the scale of Rs. 6,500-200-10,500 for the service period from 15.11.2000 to 31.7.2002 and also difference of pay equal to unutilized earned leave.

6. Be that as it may, it is not disputed that though the petitioner retired in July, 2002 but up till now, he has not been paid the aforesaid benefits and as a matter of fact, as noticed above, the steps has been taken by the respondents only after filing of the writ application.

7. Accordingly, this writ petition is being disposed of by giving direction to the Commissioner, Department of Health, Ranchi (respondent No. 1) as also the Civil Surgeon-cum-Chief Medical Officer, Dumka (respondent No. 4) to see that the aforesaid financial benefits, as mentioned by the respondents in paragraph-5 of the counter-affidavit, be paid to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. It is further directed that the Civil Surgeon-cum-Chief Medical Officer, Dumka (respondent No. 4) shall take immediate steps for sending Service Book and other relevant papers for fixation of revised pension of the petitioner.

8. All such papers must be sent to the office of the Accountant General, Jharkhand within a period of four weeks from the date of receipt/production of a copy or this order. With the aforesaid observations and directions, this writ petition stands disposed of.