

**(2007) 07 JH CK 0028**  
**In the Jharkhand High Court**

Sita Ram Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

---

**Date of Decision :** 17-07-2007

**Acts Referred:**

**Citation :** (2008) 1 JCR 122

**Hon'ble Judges :** Narendra Nath Tiwari, J

**Bench :** Single Bench

---

### **Judgement**

Narendra Nath Tiwari, J.—In this writ petition the petitioner has prayed for a direction on the respondents to pay the amounts of full pension, full gratuity, G.P.F., unutilized earned leave salary, difference of pay to which he is entitled on account of pay revision from 17th July, 1993 till the date of retirement, arrears of benefits of Assured Cajeer Progression and other admissible benefits with statutory interest.

2. According to the petitioner, he retired from the post of Correspondence Clerk on 30th June, 2004 from the office of Superintending Engineer, Road Construction Department, Hazaribagh. After his retirement, the petitioner was entitled to get his all retrial benefits, but he has been paid only 90% of the pension and 90% of the gratuity and the amounts of full pension, full gratuity, unutilized earned leave salary, arrears of difference of pay, which were payable to him on account of pay revision from 17th July, 1993 till the date of retirement and the benefit of ACP have not been paid to him. The petitioner made several requests and filed representation but till date said amounts have not been made.

3. Mr. P. Modi, learned G.P.I., appearing for the respondents, submitted that the Secretary, Road Construction Department and the Superintending Engineer, Road Construction Department, Hazaribagh, are the competent authorities to consider the petition's claim and pass appropriate order.

4. It has been stated that the Accountant General has already fixed the final pension and gratuity as far back as on 16th December, 2006 and the authority

slip regarding payment of pension has been issued and the amount is to be released by the District Treasury, Hazaribagh.

5. Considering the said submissions made by learned Counsel for the parties, this writ petition is disposed of giving liberty to the petitioner to file a fresh representation before the Secretary, Road Construction Department regarding the claim of ACP and for other claim (s) he shall file representation before the Superintending Engineer, Road Construction Department, Hazaribagh. If such representations are filed, the said respondents shall consider the same and pass appropriate order in accordance with law within a period of six weeks from the date of receipt of the representations if the said respondents find the petitioner's claim (s) as genuine, admitted dues must be paid to the petitioner with statutory interest within a period of six weeks thereafter. If the amount(s) found payable to the petitioner is/are not paid within the said period, he shall be entitled to get interest @ 10% per annum till final payment in addition to the statutory interest. The State Government, however, in that case, shall be at liberty to realize the amount of penal interest from the erring official(s). Petition disposed of.