
(2005) 02 JH CK 0096
In the Jharkhand High Court
Case No : WP (S) No. 439 of 2005

Sri Krishna Bihari Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-02-2005

Acts Referred:

Bihar Pension Act — Section 43

Citation : (2005) 4 JCR 145a

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

Bench : Single Bench

Advocate : Ajit Kumar, for the Appellant; Rabindra Prasad, JC to Sr. SC II, for the Respondent

Judgement

S.J. Mukhopadhaya, A.C.J.

1. According to the petitioner, he was in the services of the State and retired on 31st January, 2003 from the post of Headmaster, Sanyukt Sewa Sahyog Samiti Rajkiyakrit Madhya Vidyalaya, Baridih, Jamshedpur. While in service, he was put under suspension on 1st August, 1996, which was revoked on 27th July, 2001.

2. Grievance of the petitioner is that the respondents have not paid him the retiral benefits after finalization of pension, gratuity, leave encashment etc. nor have paid him the salary for the intervening period, while he was under suspension.

3. It appears that a departmental proceeding was initiated wherein charge-sheet was served on the petitioner. Though the enquiry officer already submitted his report on 19th December, 2002, no final order has been passed by the competent authority.

4. A show cause notice has been issued on the 5th respondent i.e., District Superintendent of Education, East Singhbhum, Jamshedpur, as to why he has to pass final order in the departmental proceeding, as was initiated against the petitioner.

5. In the facts and circumstances, the case is remitted to the Secretary, Human Resources Department, Govt. of Jharkhand, Ranchi, with a direction to treat the proceeding, in question, as a proceeding u/s 43 (b) of the Bihar Pension Rules and to pass final order, taking into consideration the enquiry report, already submitted by the enquiry officer, and the reply, if any, submitted by the petitioner, within a period of two months from the date of receipt/production of a copy of this order.

6. The Secretary, Human Resources Department, Govt. of Jharkhand, Ranchi, is further directed to finalize the petitioner's claim for payment of final pension, gratuity, leave encashment and the salary for the period, he was under suspension, by issuing appropriate order, and to pay him the admitted dues within four months from the date of receipt/production of a copy of this order.

7. If the authority concerned takes any adverse decision, he will communicate the ground to the petitioner.

8. The writ petition stands disposed of with the aforesaid observations and directions.