
(2011) 07 JH CK 0040
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2387 of 2011

Srikant Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0040

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 difference of pay after granting the benefit of A.C.P. to the Petitioner. He has `also prayed for revision of his pension and other retiral dues after giving the benefit of the A.C.P. and for arrears of difference of pension.

2. It has been stated that the Petitioner retired from service as Assistant Sub Inspector of Excise on attaining the age of superannuation on 31st December, 2001. At the time of his retirement, the Petitioner was entitled to get all his service terminal dues and the retiral benefits, but the said dues have not been paid to the Petitioner. It has been submitted that during the service period, the Petitioner was entitled to get the benefits of first and second ACP on completion of 12/24 years of service, but in spite of his repeated requests and representations, the said benefit has not been given to him.

3. Learned J.C. to A.G., appearing on behalf of the Respondents, submitted that the Commissioner of Excise is the competent authority to consider the Petitioner's claim and if any representation is still pending or if he files a fresh representation, the same shall be considered and appropriate order shall be passed.

4. Considering the said submissions, this writ petition is disposed of, giving liberty to the Petitioner to file a fresh representation, along with a copy of this

order, before the Commissioner of Excise, Jharkhand. On receipt of the representation, the said authority shall consider the same and pass appropriate order, in accordance with law, within a period of two months from the date of receipt of the representation. If the Petitioner is found entitled to the benefit, as claimed him, 2the admitted amount of difference of pay shall be paid to the Petitioner within a period of six weeks thereafter.

5. In that event, the concerned Respondent shall also take step for revision of the Petitioner's pension and other retiral dues and shall pay the arrears thereof within a period of six weeks thereafter.