
(2011) 07 JH CK 0132

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1181 of 2011

Surendra Nath Mishra and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0132

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioners have prayed for a direction on the Respondents to give time bound promotion and senior pay scale to the Petitioners from the date of their appointment pursuant to Notification No. 300 dated 1st June, 1999 issued by the Government.

2. It has been stated that the Petitioners have completed more than 28 years of service. They are entitled to get senior pay scale from the date of their appointment. After rendering 10/20 years of service, they are also entitled to get time bound promotion, but neither the senior pay scale was granted nor time bound promotion was given to the Petitioners.

3. In the meanwhile, the Petitioners retired from service in February, 2011 and June, 2011, respectively. After their retirement, the Petitioner are entitled to get all the service terminal benefits as well as retiral benefits, but in spite of their repeated requests and representations, the benefit of senior pay scale has not been paid and time bound promotion which the Petitioners were entitled to get during service period has not been given to them. The Petitioners, after their retirement, are now also entitled for revision of pension and to get the monetary benefits of the arrears of difference of pay and pension including other retiral dues.

4. Learned J.C. to G.P.III, appearing on behalf of the Respondents, submitted that the District Education Officer, Dumka is the competent authority to consider

the Petitioners" claim and pass appropriate order and if the Petitioners" representation is still pending or if they file a fresh representation before the said authority, the same shall be considered and appropriate order shall be passed.

5. Considering the said submissions, this writ petition is disposed of, giving liberty to the Petitioners to file a fresh representation before the District Education Officer, DumkaRespondent No. 5. On receipt of the representation, the said Respondent 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.

6. If the Petitioners are found entitled to get one or the other claim(s), admitted monetary benefit(s) thereof shall be paid to them within two months thereafter. If the admitted amount(s) found payable to the Petitioners is/are not paid within the said period, they shall be entitled to get interest @ 10% per annum till final payment.