(2014) 04 JH CK 0057

In the Jharkhand High Court

Case No : W.P. (S) No. 3053 of 2013

Suresh Prasad Singh APPELLANT

Vs

The State of Jharkhand and Others RESPONDENT

Date of Decision : 09-04-2014

Acts Referred:

Citation : (2014) 04 JH CK 0057

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : S.N. Pathak, Fayyaz Ahmad and R.K. Roy, Advocate for the Appellant; Prabhat Singh, J.C. to A.A.G, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The petitioner, who is said to have retired as Revenue Karmachari on 30.6.2011 from Nala Block under Jamtara District has approached this Court in the present writ application for directing the respondents to pay the entire post retirement dues such as pension, gratuity, G.P.F., leave encashment, arrears of salary etc as also to give the benefits of M.A.C.P. on completion of 10, 20, 30 years of service. Petitioner is also aggrieved by the order contained at Annexure-2 dated 8.9.2012, which allegedly denied him post retirement benefits on account of pendency of certain certificate case under P.D.R. Act, 1914 against him for the period of his service.

2. The respondents have also referred to the pendency of the certificate case against the petitioner and also that he was placed under suspension in 2006 which was however revoked, thereafter. They have also stated that 90% of the provisional pension has been paid apart from the Group Insurance amount. However, after stating all that, in para 9 of their counter affidavit they have made a categorical statement that in view of the judgment passed by the Hon''ble Supreme Court in the case of Jitendra Srivastava Vrs. State of Jharkhand on 14.8.2013, the respondents have instructed the Controlling Officer i.e. the Circle Officer, Nala Block, Jamtara to clear all the post retirement dues of the petitioner

as early as possible and subsequently, all pension papers of the petitioner has been sent to the office of Accountant General, Jharkhand.

3. It has been submitted by the petitioner that in view of the fact that the department proceeding against the petitioner has not yet been completed, in such circumstance, in view of the ratio laid down in the judgment rendered by the Hon''ble Apex Court, as aforesaid, the post retirement benefit like the leave encashment, gratuity, pension could not have been withheld during the subsistence of department or judicial proceeding. Accordingly, learned counsel for the petitioner submitted that the writ petition may be disposed of by directing the respondent no. 2, Deputy Commissioner, Jamtara to do the needful in the matter.

4. Having regard to the aforesaid stand taken by the respondents reflected in para 9 of the counter affidavit, the writ petition is disposed of by directing the respondent no. 2, the Deputy Commissioner, Jamtara to take appropriate decision in the matter of grant of admissible post retirement dues to the petitioner within a period of 12 weeks from the date of receipt of the copy of this order. Needless to say that if such sanction order is required to be issued in favour of the Office of the Accountant General, Jharkhand, the same be issued within the said period. On receipt of such sanction order, the respondent no. 6, Office of Accountant General, Jharkhand shall issue authority slip in favour of the petitioner for payment of the admissible post retirement dues, if there are no legal impediments, preferably within 4 weeks, thereafter. The writ petition is disposed of the aforesaid manner.

