

(2002) 12 JH CK 0061

In the Jharkhand High Court

Case No : Writ Petition (S) No's. 2298, 3544, 3561, 4363, 4574, 4676, 4678, 4902, 4939, 4964, 4965, 5091, 5241, 5311, 5313, 5325, 5443, 5446, 5815, 5999, 6000, 6070 and 6223 of 2002

Tara Dutta, Smt. Rashmi Devi, Sheo Lal Ram, Jagiri Lal Sharma, Raman Bhai Patel, Indrajit Dey, Sachida Nand Mishra, Rurh Singh, Lalu Sukha Patel, Chotu Bhai D. Patel, Janardan Tiwari, Narain Choudhary Banik, Ram Rup Singh, Ram Bhawan Sharma, Sri Ram Pahan, Smt. Radhika Devi, Mithlesh Kumar Sinha, Habibullah, Ajit Singh, Sahdeo Singh, Haridwar Tiwary, Sukhmini Das and Smt. Uma Devi

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 03-12-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 JCR 341

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

Bench : Single Bench

Advocate : Deepak Kumar Bharti, Nityanand Prasad Choudhary and Dhananjay Kumar Pathak, for the Appellant; Indrani Sen Choudhuri and A.K. Jha, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—All these cases relate to payment of retrial benefits or death benefits of retired employees or wards of the deceased-employees of the State Electricity Board. They claimed for one or other benefits to which they were entitled but nothing has yet been paid by the authority concerned.

2. A Bench of this Court in the case of Jhabhu Pandit and Ors. v. Jharkhand State Electricity Board and Ors. 2002 (2) JCR 372 (Jhr) held that the Jharkhand State Electricity Board (hereinafter referred to as the "JSEB") shall pay the benefits to those who were posted in the territory of Jharkhand at the time of retirement and the others posted in the territory of the State of Bihar, the Bihar State Electricity Board (hereinafter to be referred to as "the BSEB") shall pay the benefits.

3. The aforesaid judgment of the learned Single Judge has been challenged by both the Boards i.e. JSEB and BSEB in Letters Patent Appeal No. 355 of 2002 and other analogous cases. In the said case, a Division Bench of this Court vide order dated 26th September, 2002 while passed certain directions on the Boards for amicable settlement of issues, such as, apportionment of assets and liabilities etc, also passed following interim order :

"Admittedly the writ petitioners-respondents in all these cases are retired employees. They retired either as the employees of the Bihar State Electricity or later on as the employees of the Jharkhand State Electricity Board. The pendency of the ad-judicatory process as mentioned hereinabove is likely to take some time. In the meanwhile, we are of the opinion that these writ petitioners who are the retired employees of the Boards should not be made to suffer on account of non-payment of their retiral dues. Since all the writ petitioners retired while (as on the date of their retirement) they were serving in the territory now constituting Jharkhand state, we direct that the Jharkhand State Electricity Board shall pay the retiral dues to the writ petitioners. This direction is being passed by us on the explicit and specific undertaking given to us today by Mr. Mihir Kumar Jha, learned counsel appearing on behalf of the Bihar State Electricity Board that, in the event it is ultimately found that it is the Bihar State Electricity Board, which is responsible and liable to pay the retiral dues to such employees, for the amounts already paid to the writ petitioners, the Bihar State Electricity Board shall reimburse to the Jharkhand State Electricity Board and the future payment shall be made by the Bihar State Electricity Board to such employees. This direction, however, shall not apply to such retired employees who had retired prior to 15.11.2000, the appointed date as per Bihar reorganization Act, 2000, (the date when Jharkhand State came into existence). For such employees, therefore, who retired prior to 15.11.2000 (writ petitioners in these cases) their retiral dues shall be paid by the Bihar State Electricity Board. This direction with respect to these employees (who retired prior to 15.11.2000) is also being passed by us on the specific and explicit undertaking of Mr. A.K. Sinha, learned Advocate General appearing for the Jharkhand State Electricity Board, that if ultimately with respect to such employees Jharkhand State Electricity Board is held liable and responsible to pay the retiral dues, it shall reimburse to the Bihar State Electricity Board for the payments made and shall pay the future retiral dues to such retired employees".

4. The respondents JSEB in their counter-affidavit have given a detailed chart in respect of the petitioners/deceased employees showing the date of retirement/death, last place of posting, post etc. as mentioned hereinbelow :

Sl. No. Petitioner Date of retirement Place Post

1. Tara Dutta 30.11.1999 Electric Supply Sub-Division, Jamshedpur Switch Board Operator

2. Smt. Reshmi Devi (Her husband Kalia Munda died in harness) 4.6.2000 FTPS

Skilled Khalasi

3. Sheo Lal Sharma 30.11.2000 PTPS Weight Bridge Attendant
4. Jageri Lal Sharma 30.4.2001 PTPS Heavy Earth Moving Operator
5. Raman Bhai Patel 31.5.2001 PTPS Crane Operator
6. Indrajit Dey 29.2.2000 PTPS Foreman Grade-I
7. Sachida Nand 31.12.2000 Electricity Supply Sub-Division, Jamtara Correspondence Clerk
8. Rurh Singh 30.11.2001 Mechanical Maintenance Division Sarang
9. Lalu Sukha Patel 30.11.2001 PTPS Rigger
10. Chotu Bhai D. Patel 30.11.2001 PTPS Sarang
11. Janardan Tiwari 28.2.2001 Transmission Sub-Division, Adityapur Technical Grade-I
12. Narain Chandra Banik 31.1.2000 Beet. Supply Sub- Division, Jamtara Treasury Guard
13. Ram Rup Singh 31.1.1999 PTPS Accountant
14. Ram Bhawan Sharma 28.2.2001 PTPS Asst. Teacher
15. Sri Ram Pahan 1.8.2000 (Father of the Petitioner Baij Nath Pahan died in harness) PTPS Technician Grade II
16. Smt. Radhika Devi 8.8.2000 (husband of the Petitioner Late Ram Nath Dubey died in harness) PTPS Rigger

5. As retired employees/wards of the deceased employees should not be allowed to suffer on account of non-payment of their retiral/death benefits, I direct the respondents to follow the interim directions given by the Division Bench in LPA, No. 355 of 2002 and analogous cases, as quoted above.

6. The petitioners who have retired or the employees who died prior to 15th November, 2000, their Controlling Authority and the Competent authority of the BSEB shall ensure payment of admitted retirement benefits and other dues within three months from the date of receipt of representations, as may be preferred, failing which, the BSEB will be liable to pay interest @ 5% per annum from the date of retirement/death till the date of payment apart from statutory interest.

7. Similarly the controlling Authority and the competent Authority of the JSEB will ensure payment of the admitted retiral benefits and other dues to the employees/ wards of employees who retired or died after 15th November, 2000 within three months from the date of receipt of representations, as may be preferred, failing which, the JSEB will be liable to pay interest @ 5% per annum

from the date of retirement/death till the date of payment apart from statutory interest.

8. The "concerned authority" means the General Manager-cum- Chief Engineer concerned and the "Competent authority" means the Secretary of the Concerned Boards.

The petitioners will file their respective representation (s) before the concerned General Manager-cum-Chief engineer and the concerned secretary of the Board to ensure compliance.

9. If one or other Authority disputes any claim of one or other petitioner or object or with-held any amount on any ground, they will communicated the ground to such petitioner (s) within three months.

10. It may be mentioned here that this Court has not determined the claim of any individual petitioner.

11. All the writ petitions stand disposed of with the aforesaid observations and directions. Writ petition disposed of.