
(2011) 11 JH CK 0065

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5388 of 2005

Umeshwar Prasad Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-11-2011

Acts Referred:

Citation : (2011) 11 JH CK 0065

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel

1. Learned counsel for the petitioner submitted that suffice it will be for disposal of this writ petition, if a direction is given to the respondents to treat this writ petition as a representation and decide the claim of the petitioner, by passing a detailed speaking order, in accordance with law and within stipulated time, as given by this Court.

2. I have heard learned counsel for the respondents, who has submitted that they have no much objection, if such a direction is given to the respondents to treat this writ petition as a representation and decide the claim of the petitioner, by passing a detailed speaking order, in accordance with law and within stipulated time, as given by this Court.

3. In view of these submissions, I hereby direct respondent no. 4 (Secretary, Drinking Water and Sanitation Department, State of Jharkhand, Ranchi) to decide the claims of the petitioner, as stated in the memo of the petition. Moreover, I also direct respondent no. 4 to keep in mind Annexure9, wherein, it is stated that promotion is given to the present petitioner with effect from 28th November, 1990. The said Annexure9 is issued on 24th June, 2003 i.e. after retirement of the present petitioner. The petitioner retired on 31st March, 2002 and, therefore prima facie, the petitioner is entitled to difference of salary, refixation of pension and gratuity and, therefore, all the necessary papers

including the service book and sanction order etc. will be sent to the Accountant General's office, Ranchi so that revised pension and revised gratuity may be finalized and the same may be paid to the petitioner. This exercise will be completed by respondent no. 2, in accordance with law, rules, regulations, policies and Government enforceable orders, applicable to the petitioner, as expeditiously as possible and practicable, preferably within a period of twelve weeks from the date of receipt of a copy of the order of this Court.

4. I also direct respondent no. 4 to send necessary papers to the Accountant General's office at Ranchi, for refixation of pension and gratuity within a period of two weeks, after the aforesaid decision is taken.

5. As and when, the Accountant General's office is receiving necessary papers from the State of Jharkhand, I also direct the Accountant General's office to finalize revision in pension and gratuity, at the earliest.

6. I also direct respondent no. 2 that if the decision is taken in favour of the present petitioner, all necessary monetary benefits shall be paid to him within further period of four weeks, thereafter.

7. This writ petition stands disposed of, in view of the aforesaid directions.