

Gabriel Topno Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: Nov. 27, 2008

Hon'ble Judges: Ajit Kumar Sinha, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

Ajit Kumar Sinha, J.

The present writ petition has been preferred for the following reliefs:

(a) For issuance of an appropriate writ, order or direction in the nature of mandamus, directing the respondents to immediately and forthwith pay

the petitioner his retirement dues (General Provident Fund, Gratuity, Leave Encashment, Full Pension etc.) of his late father Sukhram Munda, who

had superannuated from service in the year, 1983 itself and thereafter died on 15.11.1990; and

(b) For issuance of further appropriate writ, order or direction, directing the respondents to pay interest at the rate of 18% on the amount of

retirement benefits from the date when it became due till the date of payment.

2. However, the respondents in their counter affidavit filed through the Executive Engineer, Road Construction Department, Road Division, Khunti,

have specifically submitted in paragraph No. 9 with regard to the payment, already made. Further at paragraph No. 11 it is submitted as under:

11. That it is further stated and submitted that the petitioner has been requested by respondent No. 4 vide, letter No. 574 dated 7.8.2003 to

submit the pension papers, so that it could be sent to Accountant General and difference of pension will also be paid to the petitioner.

3. Learned Counsel for the petitioner submits that father of the petitioner retired in 1983 and died in 1990 and even the payments, as indicated in

paragraph No. 9 of the counter affidavit, were made only in the year, 2003 and thus, he is entitled to statutory interest. Further prayer of the

petitioner is with regard to difference of pension and arrears, which is still due, as admitted by the respondent authorities in paragraph No. 11 of

the counter affidavit.

4. Considering the aforesaid facts and circumstances of the case, respondent No. 3 is directed to release the arrears of pension, as admissible to

the petitioner, and also pay the statutory interest for the delayed payment. Let a decision in this regard be taken within a period of two months from

the date of receipt/production of a copy of this order and communicate the same to the petitioner.

This writ petition is, accordingly, disposed of but without any order as to costs.