

(2002) 06 JH CK 0004

Jharkhand High Court

Case No: Writ Petition (S) No"s. 5924 and 5929 of 2001

Braj Nandan Singh  
and Basudeo Prasad

APPELLANT

Vs

J.S.E.B. and Others

RESPONDENT

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Date of Decision: June 13, 2002

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

Bench: Single Bench

Advocate: C.S. Prasad, for the Appellant; Ajit Kumar, M.K. Sinha and I. Sen Choudhary, for the Respondent

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### Judgement

#### @JUDGMENTTAG-ORDER

S.J. Mukhopadhaya, J.

In both the cases, as common question of law involved and both the petitioners have retired prior to creation of Jharkhand State Electricity Board from Subernalekha Hydel Projects, Sikidiri and made claim for payment of retiral benefits, they were heard together and are being disposed of by this common order.

2. According to the petitioners, they have retired but the Electricity Board have not paid the retiral benefits like pension, gratuity, group insurance, leave encashment, provident fund, as also other dues like arrears of salary, overtime etc.

3. The counsel for both the Electricity Boards stated that they cannot assist the Court in absence of any instructions.

4. However, as the matter relates to payment of retiral benefits and requires determination by the respondents at the first instance, it is not necessary to her the respondents for the present.

5. The issue as to who amongst the Electricity Board, namely, Bihar or Jharkhand State Electricity Board will pay the retiral benefits to an employee retired prior to 1st of April, 2001, fell for consideration before a Bench of this Court in the case of

Jhabhu Pandit and Ors. v. J.S.E.B. and Ors., in WP (S) No. 8053 of 2002 and analogous cases and this Court, vide its judgment dated 17th May, 2002, held that those who were posted in the area now falls within the State of Jharkhand, the competent authority of JSEB is liable to pay.

6. In view of the decision aforesaid, the case is remitted with direction to the respondents JSEB authority to pay the petitioner the retiral benefits to which he is entitled within three months, failing which they will be liable to pay interest @ 5% from the date of retirement, apart from statutory interest.

7. If the respondents dispute any claim/part thereof, will forward the ground to the petitioners within the period aforesaid.

8. Both the writ petition stand dis posed of.