

Imtiazur Rahman Mallick Vs The State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: Aug. 28, 2010

Acts Referred: Constitution of India, 1950 " Article 226

Hon'ble Judges: J.C.S. Rawat, J

Bench: Single Bench

Judgement

J.C.S. Rawat, J.

The petitioner has superannuated from the post of Junior Engineer, Minor Irrigation Division, Saraikella on 30.6.2007,

but he had not been paid his admitted salary for the period 1.2.1994 to 14.11.2000. He has further alleged that he had not been granted the

monetary benefits of Assured Career Progression Scheme w.e.f. 9.8.1999 and 21.2.2003 which was available to him by the order of the

Government dated 16.10.2009 (annexure-2 to this writ petition). It is further alleged that his pension and gratuity has not been fixed after giving the

benefits of A.C.P. as stated above. It was further alleged that the petitioner has not been paid the differential pay for the said period accrued on the

basis of above-mentioned A.C.P. He has further claimed interest @ 18% per annum on all the dues outstanding towards the respondents. He has

already made representation to the respondents on 19.3.2010 but no heed has been paid by the State Government. It was further alleged that

respondent No. 4 - the Chief Engineer, Minor Irrigation Division, Govt. of Jharkhand, Ranchi has admitted in his letter dated 17.2.2009

(annexure-1 to the writ petition) that the petitioner has not been paid his arrears of salary for the period 1.2.1994 to 14.11.2000 as the funds are

not available with him and he requested the Joint Secretary (Mechanical), Water Resources Department, Jharkhand to allocate funds so that the

petitioner could be paid his arrears of salary. When the said amount was not paid, the petitioner preferred this writ petition under Article 226 of the

Constitution of India for redressal of his grievance.

2. In the facts and circumstances of the s, it would be just and proper to direct the petitioner to file a fresh representation before respondent No. 2

- The Secretary, Water Resources Department, Govt. of Jharkhand, along a copy of this order and his earlier representation (annexure-3 to the

writ petition) within three weeks from today and on such filing of the petitioner, respondent No. 2 shall dispose of the representation of the

petitioner within a period of four weeks from the date of receipt of such representation. It is needless to say that if any amount is found payable to

the petitioner the same shall be paid within three months from the date of disposal of the representation.

3. With the aforesaid directions and observations, this writ petition stands disposed of.