

**(2005) 05 JH CK 0014****Jharkhand High Court****Case No:** WP (S) No. 1298 of 2003

Jamuna Prasad

APPELLANT

Vs

Jharkhand State Electricity Board  
and Others

RESPONDENT

**Date of Decision:** May 2, 2005**Citation:** (2005) 4 JCR 144**Hon'ble Judges:** Narendra Nath Tiwari, J**Bench:** Single Bench**Advocate:** Rajendra Prasad, for the Appellant; I. Sen Choudhary and Ajit Kumar, for the Respondent**Judgement**

@JUDGMENTTAG-ORDER

Narendra Nath Tiwari, J.

In this writ application, the petitioner has prayed from direction to the respondents to pay death-cum-retiral benefits to the petitioner and also to release Rs. 30.715.80P with interest which, according to him has been illegally deducted from DCR gratuity.

2. The petitioner's case is that on attaining the age of superannuation he retired from service as Assistant Electrical Engineer on 31.01.2001 from Tupudana, Ranchi. After his retirement he was not paid retiral benefits. For that he had to move this Court in W.P.(S) No. 2737 of 2002. The said writ application was disposed of and the petitioner was paid his retiral benefits, but by letter No. 797, dated 22.3.2002 the respondents deduced a sum of Rs. 30.715.80P out of the amount of D.C.R. gratuity amounting to Rs. 1,26,142.00. According to the petitioner, there is no legal justification for the said deduction and that too without assigning any reason.

3. A counter-affidavit has been filed by the B.S.E.B. as well as the J.S.E.B. It is evident from the stand taken in the counter-affidavit that the said amount has been deducted on the suggestion of the Financial Controller. However, no reason has been assigned by the J.S.E.B. as to why the said suggestion has been made. Now as

per the settlement of the two Boards, the J.S.E.B. has to pay the said amount of the retiral dues to the petitioner since no reason has been assigned by the respondents. The said deduction could not be made without specifying any reason and amount of retiral dues cannot be withheld or denied by the employer arbitrarily and even without informing the reason to the retired persons.

4. In that view, the deduction made in the order of the Board issued by the Financial Controller by Memo No. PEN/ 167/02/797, dated 22.3.2002 for the deduction of the amount concerned is vitiated and is, hereby, quashed.

5. It is made clear that the petitioner would be entitled for his entire amount of gratuity with statutory interest, if there is no other contrary order, in accordance with law. If the said amount is not withheld by any such legal order, the same must be paid within a period of four weeks from the date of receipt/production of a copy of this otctec

6. The respondent, Secretary, J.S.E.B. shall also consider the grievance of non-payment of T.A. Bill of the petitioner and pass an appropriate order in this regard within the said period.

With the aforesaid observations and directions, this writ application is disposed of.