
(2008) 10 JH CK 0052

Jharkhand High Court

Case No: None

Surendra Prasad Singh

APPELLANT

Vs

State of Jharkhand and
Others

RESPONDENT

Date of Decision: Oct. 18, 2008

Citation: (2009) 1 JCR 109

Hon'ble Judges: Dabbiru Ganeshrao Patnaik, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

D.G.R. Patnaik, J.

Petitioner, in this writ application has prayed for a direction to the respondents to pay the full amount of Pension and Gratuity, as sanctioned by the Department, on the basis of Last Average Basic Pay drawn by him, calculated at Rs. 6,200 per month w.e.f. 1.8.2004, and also for payment of arrears of amount of pension and gratuity together with interest thereon.

2. The further prayer has been made for issuance of a direction to the respondents to revise and re-fix the pension of the petitioner in view of the Finance Department's Resolution No. 1340 dated 15.6.2004, which was to be implemented with effect from 1.4.2004 and under which 50 per cent of the Dearness allowance is to be merged in the pension of the petitioner and thereafter, the amount of pension has to be assessed and fixed, which, according to the calculation of the petitioner amounts to Rs. 6,200 + 3100 = Rs. 9,300 divided by 2 i.e. Rs. 4,650/-.

3. A further prayer has been made for directing the respondents to pay the amount of cash in lieu of earned leave of the petitioner, which has been paid to him till date.

4. Petitioner had originally made a further prayer for issuance of a direction to the respondent No. 8 i.e. the Manager, State Bank of India, Bihar University Campus Branch,

Muzaffarpur, not to deduct any amount from the monthly pension of the petitioner and to restore payment of Pension amount already deducted but learned Counsel for the petitioner submits that this prayer is not being pressed in view of the subsequent developments during the pendency of this writ application.

5. Learned Counsel for the petitioner submits that during the pendency of this writ application, the respondents-authorities have considered the petitioner's claim and have sanctioned the payment of full pension by the order of the Commandant, Jharkhand Armed Police (4), Bokaro Steel City, the petitioner's controlling authority, namely, the respondent No. 6 and the entire service records and other relevant documents have been forwarded to the Office of the Accountant General, where it is pending for final processing but the matter continues to be delayed without any genuine cause or occasion given by the petitioner. Learned Counsel adds further that the petitioner had retired from service on 31st July, 2004 and till date, his claim for payment of full pension has not been met.

6. Counter affidavit has been filed on behalf of the respondent No. 6, wherein while acknowledging the statement of facts made by the petitioner, it is also acknowledged that sanction for payment of pension has already been made by the respondent No. 6, who is the controlling authority of the petitioner and the entire file was forwarded to the Home Department, where to the knowledge of the respondent No. 6, the matter is still pending.

7. Learned Counsel for the petitioner is, however, emphatic on his stand that the file along with the Service Book has already been moved from the Office of the Home Department in the State Government and is now in the Office of the Accountant General.

8. In the light of the above submissions, there appears no further hitch in the dispute raised by the petitioner in respect of grant of his claim. If the service Book and other relevant records pertaining to the petitioner has already been received in the Office of the Accountant General, then the respondent No. 7, namely, the Accountant General is directed to process the file for fixing up the pension amount and for issuance of the requisite orders to enable the petitioner to draw his pension as per revised calculation, which would include the fixation of pension and Gratuity and cash in lieu of unutilised earned leave. Considering also the fact that though the petitioner had retired from service on 31st July, 2004 and he has not received the amount of pension payable to him for the period after his retirement without any fault on his part, the payment of the arrears of pension amount along with other emoluments shall carry interest @ 6 per cent per annum computed from the date when the amount was found payable till the date of final payment.

9. With the above observations, this writ application stands disposed of. Let a copy of this order be handed over to the learned Counsel for the State as also to the learned Counsel for the Accountant General, respondent No. 7.