

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6384 of 2014

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Rafat Nadeem S/O Late Amanullah Resident Of Village - Prem Jeewar,
P.S. Bahadurpur, District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Land Reform Deptt. Govt. Of Bihar
3. The Settlement Officer, Gaya, Distt. Gaya
4. The State Of Jharkhand
5. The Commissioner - Cum - Secretary Land Reform Deptt. Govt. Of Jharkhand, Ranchi
6. The Deputy Secretary, Land Reform Deptt. Govt. Of Jharkhand At Ranchi
7. The Settlement Officer, Dumka, Distt. Dumka
8. The General Manager, Indian Oil Corporation, Pipe Lines Division, Baraunj
9. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Prasad, Adv
For the State of Bihar	:	Mr. GA8-Sandeep Kumar
For the I.O.C.	:	Mr. K.N. Gupta, Adv & Mr. Satyendra Krishna Prasad, Adv
For the State of Jharkhand	:	Mr. Sanjiv Jaiswal, Adv
For the Accountant General	:	Mr. Madhuresh Prasad, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 22-05-2015 Heard learned counsel for the parties as with regard
to the following relief, prayed in this writ application:-

“For issuance of an appropriate writ, order, direction to the respondents to made arrangement for payment of all retrial dues of the petitioner for which petitioner has represented the authorities of both the State i.e. State of Bihar and the State of Jharkhand under the facts and circumstances stated in this writ application.

For issuance of an appropriate writ, order, direction to grant increment for the period 10/2000 to 10/2002 and the benefit of Assured carier progression Scheme in favour of petitioner and to fix the pay scale of petitioner accordingly and to grant arrears of salary thereof and to fix pension on the basis of last pay drawn

after granting 1st and 2nd ACP promotion to the petitioner.

For issuance of an appropriate writ, order, direction to make payment of full pension, leave, salary Gratuity and amount of G.P.F. with upto date interest as these retrial dues of petitioner has not been paid as yet.”

From the counter affidavit filed by respondent no. 5

i.e., Under Secretary, Revenue and Land Reforms Department, Jharkhand, Ranchi, it would transpire that that the payment of G.P.F has been sanctioned on 20.07.2010 vide Annexure-A to the counter affidavit. According to paragraph no. 6 of the counter affidavit of respondent no. 5, benefit of first and second ACP to the petitioner has been sanctioned and in support of it, the order sanctioning ACP to the petitioner dated 16.09.2014 has been enclosed. Yet again in paragraph no. 7 of the counter affidavit, sanction order of leave encashment of 300 days has been sent by Finance Department of Government of Jharkhand dated 14.08.2014 and in pursuance thereof Rs. 2,11,307/- has been sanctioned by the Finance Department of the Government of Jharkhand dated 22.08.2014.



Let it be noted that the Government of Jharkhand has already fixed the provisional pension of the petitioner by its order dated 01.03.2011 and ultimately authority slip of his final pension on the recommendation/sanction order of the Government of Jharkhand dated 14.10.2014 has been issued by the Office of the Accountant General, Jharkhand by memo no. 20388 dated 21.11.2014.

All these statements made in the counter affidavit will leave nothing for speculation that the Government of Jharkhand has undertaken to make the payment of all the retirement benefits of the petitioner. Learned counsel for the petitioner, also does not dispute this fact that such sanction order has been issued but his grievance is that its payment has not been made as yet by the Government of Jharkhand.

At this stage, this Court must note that there is some sort of hitch in respect of the pensionary contribution and leave encashment contribution for the period from 04.01.1997 to 27.06.2013, inasmuch as, in the



aforementioned period, the petitioner was working on deputation in Indian Oil Corporation and the Indian Oil Corporation has been asked to deposit the pensionsary contribution and contribution towards leave encashment of the aforementioned period. It is here that the matter has not been finalized as yet.

Mr. K.N. Gupta, learned counsel appearing on behalf of Indian Oil Corporation, however, clarifies that the Indian Oil Corporation was always ready to pay its pensionary contribution for the period of deputation of the petitioner and in fact despite offering payment, the same was not received by Government of Jharkhand which wanted it to pay the petitioner directly, and in this regard an interlocutory application has been filed by the Indian Oil Corporation vide I.A. No. 1318 of 2015, from which it would transpire that the Indian Oil Corporation is ready to pay sum of Rs. 1,43,352/- as against the payment of demand of the Government of Jharkhand but an objection was raised by the Government of Jharkhand that the

payment has to be made directly to the petitioner on account of pendency of this writ application.

From the materials on record the things are very clear that the pensionary benefit and other benefit of the petitioner has already been sanctioned by the Government of Jharkhand and the Indian Oil Corporation is also ready to pay the pensionary contribution as well as contribution towards leave encashment.

In that view of the matter, this writ application is disposed of with a direction to the respondent no. 5 to ensure that all the dues admissible payable of retirement benefits, as explained in the counter affidavit, must be paid to the petitioner within a period of three months from the date of receipt of this order.

The Indian Oil Corporation is also directed to deposit its pensionary contribution as well as contribution towards leave encashment of the petitioner to the tune of Rs. 1,43,352/- in the office of respondent no. 5, within a period of one month from the date of receipt of this order,

whereafter the same shall also form part of the payment of retirement benefit to the petitioner by the competent authority of the Government of Jharkhand in the aforementioned period of three months.

With the aforementioned observation and direction, this application is disposed of.

Let a copy of this order be handed over to Mr. Sanjiv Jaiswal, learned counsel for the State of Jharkhand and Mr. K.N. Gupta, learned counsel for the Indian Oil Corporation for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

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