

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P. (S) No. 28 of 2020**

Omprakash Das, aged about 65 years, Son of Late Binda Das, Resident of Nayakhap, Makundganj, P.O.-Babanbai & P.S. Mufassil Hazaribagh, District-Hazaribagh, Jharkhand

... **Petitioner**

**-Versus-**

1. State of Jharkhand
2. General Manager (P&A), Jharkhand Urja Vikas Nigam Limited, having its office at Engineering Building, H.E.C. Colony, P.O. & P.S. Dhurwa, District-Ranchi
3. CMD, Jharkhand Urja Vikas Nigam Limited, having its office at Engineering Building, H.E.C. Colony, P.O. & P.S. Dhurwa, District- Ranchi

... **Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner : Ms. Aanya, Advocate  
For the Respondent-State : Mr. M.A. Khan, G.P.-IV  
For the Respondent-JUVNL : Mr. Mukesh Kumar Sinha, Advocate

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05/26.06.2020. Heard Ms. Aanya, learned counsel for the petitioner, Mr. M.A. Khan, learned counsel for the respondent-State and Mr. Mukesh Kumar Sinha, learned counsel for the respondent-Jharkhand Urja Vikas Nigam Limited.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.

The petitioner has preferred this writ petition for direction to the respondents to pay the difference of the retiral benefits of the petitioner in the correct pay scale of Rs.9300-34800 and G.P.-Rs.5500 in view of order dated 29.11.2012. The further prayer is made to fix the pension of the petitioner in the correct pay scale of Rs.9300-34800 and G.P.-Rs.5500. The prayer for payment of statutory interest is also made.

Learned counsel for the petitioner submits that the petitioner was appointed on the post of Technician-II on 28.05.1977 in Jharkhand State Electricity Board

(now Jharkhand Urja Vikas Nigam Limited). Thereafter, the petitioner was promoted to the post of Technician-I on 17.01.1994 and Foreman-I on 27.06.2005 respectively. Lastly, the petitioner was promoted to the post of Head Foreman on 24.04.2009 from where the petitioner superannuated on 31.05.2013. She further submits that while the petitioner was in service, his pay scale was fixed in the pay scale of Rs.9300-34800 and G.P.-Rs.5500 in the light of the notifications dated 25.05.2009 and 09.03.2010, which is equivalent to the post of Head Foreman. She also submits that after superannuation of the petitioner on 31.05.2013 from the post of Head Foreman, the petitioner was paid his retiral dues for the post of Foreman Grade-I despite the fact that the petitioner superannuated from the post of Head Foreman and, accordingly, the petitioner's pay scale is required to be fixed on the pay scale for the post of Head Foreman. She further submits that the petitioner has also filed representation, but no decision has been taken as yet.

Mr. Mukesh Kumar Sinha, learned counsel for the respondent-JUVNL submits that if the petitioner will file a fresh representation before respondent no.2, the same will be considered and appropriate order will be passed.

In view of the above facts and considering the submissions of the learned counsel for the parties, this writ petition is being disposed of with direction to the petitioner to file a fresh representation before respondent no.2 taking all the grounds of his claims, within a period of two weeks from today. If such representation is filed by the petitioner within the aforesaid period, respondent no.2 shall consider the case of the petitioner in light of the rules, regulations and notifications with regard to pay scale on which the petitioner is claiming and pass appropriate reasoned order within a period of eight weeks from the date of receipt of such representation. It goes without saying that if the

decision is taken in favour of the petitioner, the benefit of the same shall be released in his favour within three weeks thereafter.

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

**(Sanjay Kumar Dwivedi, J.)**

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