

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 4338 of 2018

Nishi Das Petitioner

Versus

1. The State of Jharkhand through the Principal Secretary, Department of School Education and Literacy, having its office at Project Bhawan, Dhurwa, P.O. & P.S. Jagannathpur, Dist:-Ranchi
2. The District Education Officer, Deoghar having office at Deoghar, P.O. & P.S.:- Deoghar Respondents

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK
(Through: Video Conferencing)

For Petitioner : Mr. Vishal Kumar Rai, Advocate
For Resp.-State : Mr. Mrinal Kanti Roy, Advocate

07/ 06.09.2021 Heard the parties.

In pursuant to the order dated 19.08.2021 passed by this Court, the Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi is present in the Court through virtual mode.

It has been submitted by Mr. Mrinal Kanti Roy that unqualified apology has been sought for on affidavit and for the delay in payment of the retiral dues to the petitioner, the employee responsible for the same has been proceeded departmentally and has been put under suspension in contemplation of the departmental proceeding. It has been further submitted that entire dues has been paid to the petitioner.

The Principal Secretary also seeks apology for the delay caused due to the employees of the department. He very fairly submits that in view of the earlier order passed by this Court and in view of the notification issued by the Chief Secretary of the State also, steps have been taken to ensure that henceforward no delay is caused in making payment of the admitted dues in the head of retiral benefits. On the assurance given by the Principal Secretary and since already the entire amount has already been paid to the petitioner, this Court does not think it proper to proceed by way of contempt against the Principal Secretary. This Court has all praise for Principal Secretary, to take immediate steps for payment of retiral benefits to the employees of the State of Jharkhand. However, since delay of four years has been caused and petitioner is at the starvation, since he has not received even the admitted dues, this Court orders to

pay the entire benefits with statutory interest of 6 % per annum for the delayed payment of retiral benefits from the date it has fallen due till the date of actual payment from the date of his entitlement and a cost of Rs. 10,000/- (Ten thousand) is also imposed on the erring officials who are responsible for the delay. The physical presence through virtual mode of the Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi is hereby dispensed with.

Since the petitioner has already received the amount liberty is reserved with the petitioner to challenge the order regarding non- payment of family pension, if any.

The writ petition stands disposed of with the aforesaid observation.

(Dr. S.N. Pathak, J.)

Rohit/-