

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No.1847 of 2015

Ratan Kumar Sharma, son of late Shri Kishan Lal Sharma, resident of Ashiyana Woodland Building, Near N.H.33 Kali Mandir, Village-Asanbani, PO-Kanderbera, PS-Chandil, District-Saraikela Kharsama, State-Jharkhand
 Petitioner

--- Vs. ---

- 1.The State of Jharkhand
- 2.Secretary, Water Resources Department, Government of Jharkhand, Nepal House, PO-Doranda, PS-Doranda, District-Ranchi (Jharkhand)
- 2.Under Secretary, Water Resources Department, Government of Jharkhand, Nepal House, PO-Doranda, PS-Doranda, District-Ranchi (Jharkhand)
- 3.Under Secretary, Water Resources Department, Government of Jharkhand, Nepal House, PO-Doranda, PS-Doranda, District-Ranchi (Jharkhand)
- 4.Chief Engineer, Sukbernrekha Project, Chandil Complex, Adityapur, Jamshedur, District-East Singhbhum (Jharkhand)
- 5.Superintending Engineer, Barrage Circle, Galudih, PO & PS Galudih, District-East Singhbhum (Jharkhand)
- 6.Executive Engineer, Minor Distribution Division No.7, Galudih, PO-Mahulia, PS-Galudih, Town-Jamshedpur, District-East Singhbhum (Jharkhand)
- 7.The Accountant General, Jharkhand, Post Office & Police Station-Doranda, District-Ranchi, Jharkhand Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Saurabh Shekhar, Advocate
 For Respondent-State : Mr. S. Gajapati, Advocate
 For Respondent No.7 : Mr. Suresh Kumar, Advocate

Order No.7: Dated : 21.07.2020

Heard Mr. Saurabh Shekhar, the learned counsel appearing for

the petitioner, Mr. S. Gajapati, the learned State counsel and Mr. Suresh Kumar, the learned counsel appearing on behalf of the respondent no.7.

2. 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.

3. The petitioner has preferred this writ petition with the following prayers:

a) For issuance of appropriate direction upon the concerned respondent-authorities to release the entire pensionary benefits in favour of the petitioner that has not been paid since the date of his retirement on 30.04.2014;

b) For issuance of direction to pay arrears for the increments due to the petitioner, since promotion in view of one notification dated 20.04.2011 issued under the signature of Joint Secretary to the Government in the name of the Governor of Jharkhand, whereby the petitioner has been found fit to be given benefit and upgradation on 20.04.2011 pursuant to his promotion to the post of Assistant Engineer;

c) For direction to release the payment due under the head of Modified Assured Career Progression Scheme which is pending since the year 2009, as because the petitioner had already completed his 30 years of service in the year 2009 and he is totally eligible for payment of benefits as he fulfills the required conditions; and

d) For direction upon the concerned respondents to release the entire arrears of salary along with statutory interest.

4. Mr. Saurabh Shekhar, the learned counsel for the petitioner at the outset submits that so far as prayer nos.'a' and 'c' with regard to retirement benefits and ACP are concerned have been satisfied. He submits that the prayer nos.'b' and 'd' have not been considered.

5. The learned counsel appearing for the respondent State submits that taking into consideration as the major prayers of the petitioner have been redressed, the petitioner may kindly be directed to file a fresh representation with regard to remaining two prayers of the writ petition before the respondent no.4 who will take a decision in accordance with the rules, regulations and guidelines.

6. Accordingly, the petitioner is directed to move before the respondent no.4 by way of filing a fresh representation along with the documents on which the petitioner is relying for such claim within a period of three weeks.

7. If such a representation is filed by the petitioner within the aforesaid period, the respondent no.4 shall take a decision in accordance with the rules, regulations and guidelines within 8 weeks thereafter.

8. With the aforesaid observation and direction, the instant writ petition [W.P.(S) No.1847 of 2015] stands disposed of.

9. I.A if any also stands disposed of.

(Sanjay Kumar Dwivedi, J)