

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 1894 of 2020

Anandi Devi, aged about 66 years, wife of Late Ram Chandra Prasad, resident of Panderpala, P.O.- 'B' Polytechnic, P.S. - Dhanbad, District-Dhanbad, Jharkhand

... Petitioner

-Versus-

1. Jharkhand Mineral Area Development Authority, through its Chairman-cum-Managing Director, having its office at Dhanbad, P.O. & P.S. and Dist-Dhanbad
2. Secretary, Jharkhand Mineral Area Development Authority, having its office at Dhanbad, P.O. & P.S. and Dist.- Dhanbad
3. Accounts officer, Jharkhand Mineral Area Development Authority, having its office at Dhanbad, P.O. & P.S. and Dist.- Dhanbad

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Debesh Ajmani, Advocate

For the Respondents : Mr. Santosh Kr. Jha, A.C. to Mr. Mahavir Pd. Sinha, Advocate

02/09.07.2020. Heard Mr. Debesh Ajmani, learned counsel for the petitioner and Mr. Santosh Kumar Jha, learned counsel for the respondent-JMADA.

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.

Defect, as pointed out by the office, is ignored.

The petitioner has preferred this writ petition for direction to the respondents to pay retiral dues to the petitioner such as different amount of revised pay from 01.01.1996 on account of 5th Pay Revision, difference amount of Assured Career Progression, different amount on account of merger of 50% D.A. in basic pay, difference amount of Modified Group Insurance, amount of Leave Encashment, different amount of Fixed Subsidy, Provident Fund with interest on the un-credited amount, difference amount of revised pay from 01.01.2006 on account of 6th Pay Revision and statutory, compensatory and penal interest on the aforementioned amounts etc.

Learned counsel appearing for the petitioner submits that the husband of the petitioner was appointed under the respondent-authority on the post of Health Supervisor, Health Department, Jharia and he retired on 31.03.2018 and subsequently died on 26.11.2018. He further submits that the husband of the petitioner has earlier moved before this Court in W.P. (S) No. 6239 of 2008 and pursuant to the direction of this Court, certain amount has been released in favour of the petitioner, but certain amount are still payable to the petitioner and, therefore, the present writ petition has been preferred. He further submits that objection has been filed, but no decision has been taken as yet.

Learned counsel for the respondent-Jharkhand Mineral Area Development Authority submits that the petitioner may be directed to file a fresh representation before respondent no.2, who will consider the case of the petitioner and pass appropriate order, in terms of the Scheme framed by the respondent-authority.

In view of the above facts and considering the submissions of the learned counsel for the parties, this writ petition is disposed of with direction to the petitioner to file a fresh representation before respondent no.2, annexing all the claims along with credentials on which she is relying, within a period of four weeks from today. If such representation is filed within the aforesaid period, respondent no.2 shall consider the case of the petitioner and pass appropriate order and release the admitted dues in favour of the petitioner, in accordance with law, rules, regulations and in terms of the Scheme framed by the respondent-authority, as early as possible, but not later than eight weeks from the date of receipt of such representation.

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

(Sanjay Kumar Dwivedi, J.)