

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 492 of 2010

Rajendra Prasad

..... Petitioner

Versus

Central Coalfields Limited, through its Chairman-cum-Managing Director, Ranchi & Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner - Mr. M.B.Lal

For the Respondents - Mr. Ananda Sen

7/23.12.2014 In this writ petition, the petitioner has prayed for a direction on the respondents for payment of retiral dues like leave encashment, gratuity, arrears of wages to the petitioner.

Learned counsel for the petitioner submitted that after rendering 37 years of continuous service, the petitioner had retired on 31.7.2009, but after his retirement, the aforesaid retiral dues have not been paid to the petitioner till date.

The respondents-C.C.L has filed counter affidavit wherein it has been stated at Paragraphs 7 & 8 that the amounts of gratuity, leave encashment and arrear bill as per NCWA-VII have already been calculated and the following amounts are found payable as per the calculation :

i)	Gratuity as per NCWA VII	Rs. 6,85,919.00
ii)	Leave encashment	Rs. 1,21,499.00
iii)	Arrear bill as per NCWA VII	Rs. 94,094.00

It has been stated at Paragraph 9 that the petitioner was informed vide letter dated 7.9.2009 to collect the cheque after submission of 'No Dues Certificate' and quarter vacation report.

It has been further stated that the amount of gratuity to the tune of Rs. 6,85,919.34 has been deposited with the controlling authority / the Assistant Labour Commissioner (Central), Hazaribagh as per the provisions of Payment of Gratuity Act, 1972 vide Demand Draft No. 682308 dated 1.10.2009.

It has been submitted that the petitioner has not vacated the quarter, as such the cheque has not been handed over to him. The petitioner has not filed rejoinder disputing the fact regarding vacation of quarter.

In that view of the matter, this writ petition is disposed of directing the respondents to release the admitted amount in favour of the petitioner, subject to submission of the quarter vacation report by the petitioner, within four weeks from the date of receipt of a copy of this order.

The respondents are at liberty to realize the amount of penal rent from the petitioner for unauthorized occupation of the quarter from the date of retirement till the date of occupation, subject to objection by the petitioner, if any.