

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 5015 of 2016

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Sikandar Kumar Halkhor, son of Late Ashok Kumar Halkhor, resident of Ghanuadih Harijan Colony, Jharia, P.O. Jharia P.S. Tisra, District Dhanbad.

... Petitioner

-V e r s u s-

1. Mineral Area Development Authority through its Chairman-cum-Managing Director, P.O., P.S. & District Dhanbad.

2. Secretary, Mineral Area Development Authority, P.O., P.S. & District Dhanbad.

3. Accounts Officer, Mineral Area Development Authority, P.O., P.S. & District Dhanbad.

3. Chief Medical Officer, Mineral Area Development Authority, Dhanbad, P.O., P.S. & District Dhanbad. Respondents

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CORAM : HON'BLE MR. JUSTICE PRAMATH PATNAIK

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For the Petitioner :- M/s. Vikas Kumar and Vaibhav Kumar, Advocates
For the Respondents-MADA :- Mr. Bhawesh Kumar & Ravi Kumar, Advocates

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02/30.09.2016 Heard learned counsel for the parties.

2. The father of the petitioner was appointed in Mineral Area Development Authority, Dhanbad (in short "M.A.D.A") while serving as METH and died in harness on 15.05.2009. The grievance of the petitioner is that post retiral dues of his late father such as, Provident Fund, Interest on un-credited amount of provident fund, Group Insurance with compound interest, Earned Leave, Death Gratuity, Arrears of 6th Revised Pay Scale, Arrears of 50 % Dearness Allowance Merger with Basic Salary, Benefits of Assured Career Progression, Arrears of Dearness Allowance, Arrears of Interim assistance, Arrears of Regional Allowance, Arrears of Dress Allowance, Stagnation Increment and other benefits etc. has not been paid to the late father of the petitioner, though he and her late mother, who also expired on 10.10.2012 has made representations vide Annexure-5 series and Annexure-2 series to this writ petition. The petitioner has further prayed for writ/direction in the nature of mandamus commanding upon the respondents to appoint the petitioner in the service of the respondent authority on compassionate grounds in accordance with their rules and circulars in appropriate post as per his qualification.

3. Learned counsel for the petitioner submitted that since the representations of the petitioner and her late mother did not evoke any response, the petitioner being constrained has approached this Court under

Article 226 of the Constitution of India, for redressal of his grievances.

4. Learned counsel for the respondents-M.A.D.A., on the other hand, submits that the petitioner may be directed to approach the competent authority i.e. Managing Director, M.A.D.A., who may look into the grievances of the petitioner in accordance with law.

5. In such circumstances, since the matter relates to payment of certain retiral dues and other service benefits of the late father of the petitioner as well as appointment of the petitioner in the service of the respondent authority on compassionate grounds, the writ petition is disposed of by allowing the petitioner to prefer fresh representation before the respondent-Managing Director, M.A.D.A, Dhanbad together with all supporting facts and documents within a period of three weeks. On receipt of such representation, the respondent-Managing Director, M.A.D.A shall consider the same in accordance with law and after proper verification of the records, pass a reasoned and speaking order within a period of 12 weeks thereafter, which shall also be communicated to the petitioner. It is made clear, if the grievances of the petitioner is found to be genuine and is entitled to legally admissible dues on account of retiral dues and other service benefits, the same shall also be disbursed with statutory interest as per the scheme framed by the respondents-M.A.D.A, which is applicable to retired employees of M.A.D.A.

6. Accordingly, writ petition is disposed of in the aforesaid terms.

(Pramath Patnaik, J.)