

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 5735 of 2013

Anjan Kumar Sinha, son of Late Sahdeo Sinha,
resident of Village-Bharthi, P.O.-Manpur,
P.S.-Runisaidpur, District- Sitamarhi, Bihar Petitioner

Versus

1. State of Jharkhand
2. Secretary, Food and Supply Department, Bihar, Patna
3. Secretary, Food and Supply Department, Jharkhand, Ranchi
4. District Provident Fund Officer, District Dumka, Jharkhand
5. Deputy Commissioner, District- Dumka, Jharkhand
6. Sub-Divisional Officer, District-Dumka, Jharkhand Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : M/s Dr. S.N. Pathak, Sr. Advocate
Diwakar Upadhyay & Rakesh Kumar Roy, Advocates
For the Respondents : J.C. to S.C. II

05/Dated: 5th January, 2015

The grievance of the petitioner is that although he has been superannuated from service with effect from 30.11.2002, still nothing has been paid against post retiral dues including the full and final pension and other consequential benefits and also the grant of time bound promotion benefits.

The respondent no.6 has filed a counter affidavit wherein plea has been taken at paragraph 12 that the service book and last pay certificate of this writ petitioner has not been received from the other places where petitioner was posted before joining in Dumka and hence payment of salary could not be paid to this writ petitioner.

It is submitted that the petitioner has retired from service way back in the month of November, 2002 itself. The government has issued certain circulars for release of pensionary benefits without any delay but in spite of lapse of 12 years, petitioner has not been given anything against his retiral benefits on the ground that service book and last pay certificate have not been made available from the place where the petitioner was initially appointed and as such, petitioner has filed this writ petition.

Admittedly, the respondents are the custodian of the service book and last pay certificates.

It is the duty of the respondent concerned to complete all the

processes regarding payment of retiral benefits including the pensionary and all consequential benefits. In spite of the lapse of more than 12 years, no concrete step has been taken by the respondent authorities.

However, with a view to give one more chance for release of entire benefits and taking appropriate action for fixation of final pension, the respondent no. 3 i.e. the Secretary, Food and Supply Department, is directed to apprise Court by way of filing supplementary counter affidavit that why such delay has been taken place.

Learned counsel for the respondents is directed to file supplementary counter affidavit within three weeks.

List this case after three weeks.

(Sujit Narayan Prasad, J.)

Tarun