

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 963 of 2019

1. Sambhu Nath Jha
2. Budhhi Nath Jha
3. Chanchal Mani Narone

--- --- Petitioners

Versus

1. The State of Jharkhand
2. Smt. Veena Kumari, District Superintendent of Education (DSE), Deoghar

--- --- Opp. Parties

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**

Through: Video Conferencing

For the Petitioner: Mr. Anjani Kr Verma, Advocate

For the O.P.-State: Mr. Ravi Kerketta, A.C to A.A.G.-IV

20/26.02.2021 A supplementary show-cause has been filed by the opposite party no. 2 on 19.02.2021 stating that the order of this Court has been fully complied with in true letter and spirit. Salary of the petitioners have been re-fixed upon grant of B.Sc trained scale with effect from 31.03.1993 and approved by the District Accounts Officer, Deoghar. Revised Pension form has been submitted to the Office of Accountant General – both on-line and off-line - for issuance of Pension Payment Order.

2. Learned counsel for the petitioners point out that neither is the order containing re-fixation of the pay scale of the petitioners enclosed to the show-cause, nor revised scale of salary sanctioned upon re-fixation has been stated in the show-cause.

3. Let the pay re-fixation statement, as approved by the District Accounts Officer, Deoghar in respect of the petitioners, be supplied to the petitioners within two weeks and an affidavit to that effect be filed before this Court as well. Consequent upon the direction passed by this Court in WPS No. 782/2007, as upheld in LPA No. 411/2014, finally opposite party no. 2 swears that the petitioners have been granted B.Sc trained scale with effect from 31.03.1993 and upon re-fixation of salary, pension papers have been sent to the office of the Accountant General for issuance of P.P.O since all the petitioners have superannuated.

4. A stand has been taken by the opposite party in the earlier show-cause dated 15.01.2021 that in terms of Rule 58(a) of Jharkhand Service Code, a Government servant shall draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post. Rule 74 of Bihar (Jharkhand) Financial Rules also prescribes that no financial benefit can be granted with retrospective effect.

2.

5. Be that as it may, the order of this Court stands complied in substance. If petitioners have any grievance relating to re-fixation of his salary and arrears thereupon, he is at liberty to raise it in an appropriate proceeding. Instant petition is disposed of.

(Aparesh Kumar Singh, J)

Ranjeet/