

Harshanand Yangad Vs. Human Resource Development

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Court : Jharkhand

Decided On : Sep-23-2013

Appellant : Harshanand Yangad

Respondent : Human Resource Development

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No.3879 of 2013
Harshanand Yangad Petitioner Versus The State of Jharkhand & others
Respondents ----- CORAM: HONBLE MR. JUSTICE APARESH KUMAR
SINGH For the Petitioner : Mr. Dhananjay Kumar Dubey For the Respondents :
J.C. to Sr. S.C. I & Mr. Suresh Kumar, S.C. 04/23.09.2013 Heard counsel for the
parties. The petitioner claims to be husband of one Lusi Jyoti Yangad, Assistant
Teacher who had taken voluntary retirement from Carmel High School, Bokaro
Thermal Power Station, Bokaro w.e.f. 1.10.1999. According to the learned counsel
for the petitioner the services of the petitioner's wife was confirmed vide letter
dated 13.2.1985 w.e.f. 15.1.1978 (Annexure-2). It is further submitted that the
petitioner's wife had severe heart attack in October, 1994 and thereafter she opted
for voluntary retirement. She subsequently passed away on 19.4.2012. The death
certificate has been annexed as Annexure-10 to the writ application. It is
contended on behalf of the petitioner that certain amount under the heads of
pension and gratuity remained unpaid in respect of which the Principal of the
Carmel High School submitted the necessary recommendation vide Annexure-13
dated 23.6.2011. Under the aforesaid heads of pension / gratuity of the employee

a sum of Rs. 6,91,155/- has been shown to be outstanding. The relevant papers have already been sent to the Office of Respondent No.3, District Education Officer, Bokaro vide Annexure-14. In such circumstances, it is the contention on behalf of the petitioner that the respondent no. 3, District Education Officer, Bokaro may be directed to take a decision in the matter of grant of such outstanding dues under the heads of gratuity and pension payable to the wife of the petitioner till her death. Learned counsel for the respondent- State submits that if the petitioner approaches the respondent no.3, District Education Officer, Bokaro his grievances in relation to the claim against the outstanding post retirement dues of his wife shall be looked into after verification of the service records of -2- the deceased employee. In such circumstances, at this stage, without commenting upon the merit of the claim of the petitioner, the writ petition is disposed of with a liberty to the petitioner to approach the Respondent No. 3, District Education Officer, Bokaro by filing a fresh representation duly supported with facts and documents within a period of 3 weeks for redressal of his aforesaid grievances. On receipt of such representation, respondent no.3, District Education Officer, Bokaro shall consider the same in accordance with law and after due verification of the service records of the deceased employee i.e. petitioner's wife pass a reasoned and speaking order within a period of 12 weeks, thereafter, which shall also be communicated to the petitioner. Needless to say, if such claim of the petitioner is found to be genuine and legally admissible, amount in lieu thereof shall be disbursed in favour of the petitioner with a period of 8 weeks, thereafter. The writ petition is disposed of in the aforesaid manner. (Aparesh Kumar Singh, J.) A. Mohanty

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