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SooperKanoon Citation : sooperkanoon.com/515741

Court : Jharkhand

Decided On : Jan-30-2009

Reported in : [2009(1)JCR701(Jhr)]

Judge : Amareshwar Sahay, J.

Appellant : Rameshwar Pathak

Respondent : Central Coalfields Ltd. and ors.

Judgement :

ORDER

Amareshwar Sahay, J.

1. Heard the parties.
2. In view of the dispute raised in this writ application the same is being disposed of at this stage itself with the consent of the parties.
3. The prayer of the petitioner in this writ application is for direction to the respondents to pay him that part of the retiral dues such as CMPF and gratuity since 1967, which according to the petitioner have not been paid to him. His further prayer is for direction to the respondents to fix the pension etc.
4. By filing counter-affidavit on behalf of the respondent No. 5, the CMPF, it has been stated that the petitioner was allotted CMPF. Account No. D/453491 and he

has been paid the entire CMPF amount along with the pension contribution with upto date interest after adjustment of withdrawals i.e., amounting to Rs. 3,19,934/- vide Pay-Order No. 54/2003-2004 dated 29th September. 2003.

5. By filing counter-affidavit on behalf of M/s. CCL, it has been stated that all the retiral dues of the petitioner have already been paid to him including the amount of gratuity.

6. Now, the grievance of the petitioner is that the amount of gratuity has wrongly been calculated by counting his service from 1972 in fact it should have been calculated counting the period of service rendered by him where the mines was owned and run by the erstwhile owner i.e., before it was nationalized.

7. In view of the disputes raised by the petitioner, in my view, the claim of the petitioner has to be firstly examined and determined by the competent authority. Accordingly, this writ petition is being disposed of by giving liberty to the petitioner to file a representation stating his grievance and claim in detail along with the supporting documents, if any, before the respondent No. 2, the General Manager, Kuju Area, Central Coalfields Limited within a period of two weeks from today. If such a representation is filed by the petitioner within the said period, the respondent No. 2 shall consider and pass an appropriate order in accordance with law within a period of 8 (eight) weeks from the date of filing of such representation determining the claim of the petitioner.

8. This writ application stands disposed of with the aforesaid observations and directions.