

Md. SirajuddIn Ansari Vs. Mineral Area Development Authority Through Its Chairman and ors.

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SooperKanoon Citation : sooperkanoon.com/515865

Court : Jharkhand

Decided On : Feb-17-2005

Reported in : [2005(2)JCR335a(Jhr)]

Judge : S.J. Mukhopadhaya, A.C.J.

Appeal No. : WP (S) No. 650 of 2005

Appellant : Md. SirajuddIn Ansari

Respondent : Mineral Area Development Authority Through Its Chairman and ors.

Advocate for Def. : Aparesh Kumar Singh, Adv.

Advocate for Pet/Ap. : Rakesh Kumar Sinha, Adv.

Judgement :

ORDER

S.J. Mukhopadhaya, A.C.J.

1. This application has been preferred by the petitioner for a direction on the respondents to pay the amount of retiral benefits, such as provident fund, gratuity, leave encashment, D.A. group insurance and regional allowance etc. Prayer has also been made to direct them to pay salary for the period from January, 2004 to

August, 2004.

2. According to the petitioner, he was working as an Assistant (Health Department) under the Mineral Development Authority, Dhanbad (hereinafter referred to as 'MADA') and retired in August, 2004. It is stated that though there is no departmental proceeding pending against him, the respondents have not paid his retiral benefits.

3. In the facts and circumstances, the petitioner is given liberty to make a fresh representation before the Managing Director, Dhanbad, who in his turn, will decide the claim and pay the admitted dues, if found payable, within a period of four months from the date of receipt of representation, failing which the respondents will be liable to pay interest @ 5% on such admitted dues. On the other hand, if the authorities dispute the total claim or part thereof, will communicate the ground to the petitioner within the aforesaid period.

4. This Court has not decided the other question i.e. whether petitioner is in occupation of any quarter or any dues is to be adjusted or not. It is for the Managing Director, MADA, Dhanbad to decide. However, if the petitioner is in occupation of any quarter of MADA, Dhanbad, he will vacate the same by 31st March, 2005.

5. This writ petition stands disposed of with the aforesaid observations and directions.