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Court : Jharkhand

Decided On : Apr-28-2004

Reported in : [2004(3)JCR182(Jhr)]

Judge : Amareshwar Sahay, J.

Acts : Service Law; [Constitution of India](#) - Article 226

Appeal No. : WP (C) No. 2265 of 2004

Appellant : Binda Devi

Respondent : Jharkhand State Electricity Board Through Its Chairman and ors.

Advocate for Def. : Ajit Kumar,; D.K. Pathak and; Chetan Krishna Nagesh,

Advocate for Pet/Ap. : A.K. Jha, Adv. for the BSEB; Sunil Kumar Sinha, Adv.

Judgement :

ORDER

Amareshwar Sahay, J.

1. Heard the parties.

2. The prayer of the petitioner in this writ application is for direction to the respondent's to make payment of the amount of leave encashment and gratuity, to be calculated on the basis of revised pay scale, which came into effect from 1.1.1996. Further prayer is for a direction to pay and also to fix the family pension on the revised scale of pay.

3. It is stated by the learned counsel for the petitioner that several representations have been filed by the petitioner to make payment of arrears but no, payment has been made till date.

4. The learned counsel for the respondent states that the petitioner may be paid family pension in revised scale of pay but so far the arrears are concerned the Board is not in a position to pay the said amount at present because of non-division of the assets of the two Boards, i.e., JSEB and BSEB.

5. In the view of the matter, this application is disposed of with a direction to the respondents to pass an appropriate order for payment of family pension to the petitioner in the revised scale of pay within four weeks from the date of receipt/production of a copy of this order. With regard to arrears, the respondents are directed to take a decision in the matter within a period of six months and then to pass an appropriate order in that regard.