

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2600 of 2016

(Jefrin Ekka Vs. The Bihar State Cooperative Land Development Bank & Ors.)

CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK

For Petitioner	: Mr. Ram Subhag Singh, Advocate
For Respondents	: Mr. Mahesh Kr. Sinha, Advocate

12/ 22.03.2022 Learned counsel for the petitioner submits that though the petitioner superannuated in the year, 2015, but the respondent have not made any payments towards the retrial benefits. He further submits that in spite of order of this Hon'ble Court, the respondents have not taken any pain to release the retiral benefits of the petitioner.

Earlier, it was the stand of the respondent- Bank that due to the initiation of the Departmental proceeding and infliction of punishment against the petitioner, amount of group insurance and leave encashment as well as arrears of salary was forfeited and not paid to the petitioner.

On 14.03.2022, when the matter was taken up, a specific direction was issued to the respondent-Bank to file a specific affidavit as to whether the departmental proceedings was initiated after retirement or prior to his retirement and whether the due procedures have been adopted for initiating departmental proceeding or not, but no such affidavit has been filed by the respondent-Bank. However, learned counsel for the respondent-Bank has tried to impress upon this Court that in view of order of Hon'ble Division Bench of this Court in LPA NO. 222 of 2013, the amount will be paid as per the turn of the petitioner.

Since, nothing has been brought on record to show that when the amount will be paid to the petitioner and what is the Scheme under which the payments are to be made and what is the seniority of the petitioner and where the name of the petitioner finds place in that list or not and not even a single chit of paper has been brought on record to show that whether seniority list has been prepared for making payment to the employees of the Bank.

Under the aforesaid circumstances, the respondent-Bank is directed to file a specific affidavit in compliance of order dated 14.03.2022 additionally mentioning therein as to whether it is open for the Bank to forfeit the amount of Group Insurance, leave encashment and arrears of salary and whether the petitioner is entitled for arrears of salary or not ? Further, as to whether any seniority list has been prepared in view of the Order passed by Hon'ble Division Bench for payment of retiral benefits or not?

The additional counter-affidavit meeting aforesaid queries of Court shall be filed within a period of two weeks, with a cost of Rs.2,500/-, which is to be deposited before the Secretary, Department of Women, Child Development & Social Welfare, Govt. of Jharkhand, Ranchi towards the Juvenile Justice Fund, either by cheque or bank draft or can be deposited in the State Bank of India A/c No. 3734498462-5, favouring Juvenile Justice Fund

Put up this case after three weeks.

(Dr. S.N. Pathak, J.)

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