

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 6363 of 2007**

1. Balram Prasad Tiwari S/o Late K.L. Tiwari (Since dead) through his Lrs
2. Smt. Sraswati Tiwari, W/o Late Balram Tiwari, aged 65 years,
3. Rajesh Tiwari, S/o Balram Tiwari, aged 42 years
4. Archana Tiwari, D/o Balram Tiwari, aged 40 years
5. Rakesh Tiwari, S/o Balram Tiwari, aged 38 years
6. Sanjay Tiwari, S/o Balram Tiwari, aged 36 years,
7. Residents of Shiv Gayatri Mandir, Mandher Colony, Tekari, Distt. Raipur (CG)

---- Petitioners**Versus**

1. State Of Chhattisgarh through the Secretary, Ministry of Public Health and Family Welfare, Dks Bhawan, Raipur (CG)
2. The Director Indian Medical Science (Ayurvedic & Homeopathic) Department Raipur Cg
3. The Joint Director Treasure Accounts Raipur Cg

---- Respondents

For Petitioner:	Ms. Prachi Agrawal, Advocate under the instructions of Shri BP Sharma, Advocate.
For Respondents/State:	Shri B. Gopa Kumar, Deputy Advocate General.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

5.11.2015

The dispute pertaining to Petitioner is the one where the Petitioners herein, who are the legal heirs, have been agitating for settlement of retiral dues payable to the original Petitioner i.e husband of Petitioner No.1 and father of Petitioners No. 2 to 5.

2. Both the parties agree that the matter may be referred to the High Power Retiral Dues Committee for settlement of the retiral dues constituted by the State Government in this regard.

3. Accordingly, the petitioners are directed to approach the concerned Committee by moving appropriate application after serving an advance copy to

the office of the Advocate General in this regard.

4. This Court, in W.P.No.4642/2004 (*Baijnath Mandal Vs. The State of Chhattisgarh & others*) and other connected matters, directed the Committee to consider the matter of retrial dues as the disputed question of facts were involved. The Committee was constituted by the State Government, pursuant to the order dated 19-06-2006 passed in W.P.No.1961/2006 (*Smt. Keja Bai Chandrakar Vs. State Government of Chhattisgarh and others*), and order dated 13-3-2008 passed in M.C.C. No. 105 of 2008 (*State of Chhattisgarh and others Vs. Baijnath Mandal and another*). Thus, this petition is squarely covered by the judgment and order dated 31st January, 2008 passed in W.P.No.4642/2004 [(*Baijnath Mandal (supra)*)] as submitted by learned counsel appearing for the parties.

5. This petition is accordingly disposed of in the same terms i.e., the office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the Committee shall issue notice to the petitioners and officers concerned within a further period of 15 days. The Committee shall consider and pass order, in accordance with law, after affording proper opportunity of hearing to the petitioner. The petitioners and the officers concerned may file additional documents, if necessary. The entire exercise, including payment of retrial dues, if any, to the petitioners, be completed within a period of six months from the date of receipt of a copy of this order.

6. The petitioners shall supply one complete set of the petition to the State counsel as well as counsel for the Accountant General for transferring the same to the Committee.

Sd/-
(P. Sam Koshy)
J U D G E