

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 246 of 2015**

- Avinash Tiwari S/o Shri Vinod Tiwari, aged about 40 years, Constable Police Line Kabirdham, Post & Thana-Kabirdham District Kabirdham (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary, Home Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Director General Of Police, Police Heat Quarter, Raipur
3. Additional Director General of Police (Administration) Police Head Quarter, Raipur (C.G.)
4. The Inspector General Of Police, Durg, Range-Durg, District-Durg (C.G.)
5. The Superintendent of Police, Kabirdham, District Kabirdham (C.G.)
6. The Commandant, 8th Battalion (B/R) C.A.F. Rajnandgaon, District - Rajnandgaon (C.G.)

---- Respondents

For Petitioner : Shri Somkant Verma, Advocate.

For Respondents : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/05/2015**

1. The petitioner has prayed for a direction to the respondents to decide his representation relating to his claim for continuing to be governed under

the old pension scheme.

2. The petitioner was earlier appointed as Constable in the State Armed Force (SAF) on 19.10.2001. After seeking permission from the department, he appeared in the recruitment of District Police Force of Kabirdham and was eventually appointed as Constable (GD) on 15.12.2008.
3. According to learned counsel for the petitioner, in view of the clarification issued by the Finance Department of Government of Chhattisgarh by a communication dated 20.9.2006, the employees like the petitioner, who were governed under the old pension scheme prior to 31.10.2004 and have joined on a new post after the said date, shall continue to be governed under the old pension scheme. He would submit that several similarly placed employees have been granted the benefit of old pension scheme, however, the petitioner's representation to this effect has not yet been decided. He would submit that for the present, the writ petition may be disposed of with a direction to the respondents to decide the petitioner's representation.
4. Learned State counsel would submit that if the petitioner submits a fresh representation, the same shall be considered in accordance with law.
5. Considering the limited prayer made at this stage, the writ petition is disposed of with a direction that in the event the petitioner prefers a fresh representation before the competent authority of the respondents within a period of one month from today, the competent authority of the respondents shall consider and decide the same within a further period of 3 months from the date of submission of representation, in accordance with law.

J U D G E