

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 295 of 2015

- Purshottam Kumbhkar, S/o Late Shri Atma Kumbhakar, aged about 35 years, Constable, Police Thana Chilphi, Post & Thana Chilphi, District Kabirdham (C.G.)

---- Petitioner

Versus

- State of Chhattisgarh, Through The Secretary, Home Department, Mahanadi Bhawan, New Raipur (C.G.)
- Director General of Police, Police Head Quarter, Raipur
- Additional Director General of Police (Administration) Police Head Quarter, Raipur (CG)
- The Inspector General of Police, Durg, Rang-Durg, District Durg (C.G.)
- The Superintendent of Police, Kabirdham, District Kabirdham (C.G.)
- The Commandant, 8th Battalion (B/R) C.A.F. Rajnandgaon, District Rajnandgaon (C.G.)

---- Respondents

For Petitioner	Mr. Somkant Verma, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

10/08/2015

Heard finally with the consent of learned counsel for the parties.

(2) 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.

(3) The petitioner was earlier appointed as Constable in the State Armed Force (SAF) on 28.09.2001. 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 03.01.2009.

(4) 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 20.09.2006, 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.

(5) Learned State Counsel would submit that if the petitioner submits a fresh representation, the same shall be considered in accordance with law.

(3) 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.

Sd/-

Judge

(Prashant Kumar Mishra)

