

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.5688 of 2014

1. S.R. Verma, S/o Late Maheshram Verma, Retired Assistant Registrar, aged about 65 years, R/o Bhartiya Nagar, District Bilaspur (C.G.)
2. M.K. Tripathi, S/o Late Bhola Prasad Tripathi, Retired Assistant Registrar, aged about 64 years, R/o Near DLS College, Ekta Colony, Ashok Nagar, Murum Khadan Para, Khamtarai, Bilaspur (C.G.)
3. Abdul Wahab, S/o Late M.A. Sattar, Retired Assistant Registrar, aged about 63 years, R/o Dada Bhai Sarai Gali, Taiyaba Chowk, Talapara, Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Department of Higher Education, Mantralaya, Raipur (C.G.)
2. The Commissioner of Higher Education Chhattisgarh Government, Government Science College Campus, Raipur (C.G.)
3. Pt. Ravishankar Shukla University Raipur, Through the Registrar, Pt. Ravishankar Shukla University Raipur (C.G.)

---- Respondents

For Petitioners: Mr. Rajeev Bharat, Advocate.

For Respondents/State: Mr. Y.S. Thakur, Deputy Advocate General
with Mr. Suvigya Awasthi, Panel Lawyer.

For Respondent No.3: Mr. Neeraj Choubey, Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board26/10/2015

1. By this petition, the petitioners are seeking direction to the respondents to make payment of the entire gratuity amount with 18% interest without delay, whereas it is the claim of the State

that the amount due has already been paid on 4-4-2015. However, learned counsel for the parties submit that the issue involved in the present writ petition can be considered by the Pension Committee.

2. This Court, in W.P.No.4642/2004 (Bajinath Mandal v. The State of Chhattisgarh & others) and other connected matters, directed the Committee to consider the matter of retiral dues as the disputed question of facts were involved. The Committee was constituted by the State Government pursuant to the order dated 19-6-2006 passed in W.P.No.1961/2006 (Smt. Keja Bai Chandrakar v. State Government & others) and the order dated 13-3-2008 passed in M.C.C.No.105/2008 (State of Chhattisgarh & others v. Bajinath Mandal & another). Thus, this petition is squarely covered by the judgment and order dated 31-1-2008 passed in W.P.No.4642/2004 {Bajinath Mandal (supra)} as submitted by learned counsel appearing for the parties.
3. 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 the petition from the petitioners and this order. Thereafter, the Committee shall issue notice to the petitioners and the 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 parties. The petitioners and the officers concerned may file additional documents, if necessary. The

entire exercise, including retiral dues of the employees and other pensionary benefits, if any, to the petitioners be completed within a period of three months from the date of receipt of a copy of this order.

4. The petitioners shall supply extra copy of the petition to the learned counsel appearing for the State/respondents for forwarding the same to the Committee.
5. Learned counsel for the petitioners would submit that liberty may be reserved in favour of the petitioners to move fresh writ petition, if the decision made by the Committee on anyone of the claims including claim for interest is decided against the petitioners.
6. Liberty as prayed for is granted.
7. Accordingly, the writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge