

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1378 of 2015**

Smt. Karuna Upadhyay wife of Late Shri Suresh Kumar Upadhyay, aged About 52 years, R/o SAF Colony, Qtr. No. 24, (First Battalion), Bhilai, Durg, Civil and Revenue District Durg (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through the Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. Commandant, 14th Battalion, Chhattisgarh S.A.F. Camp Bhilai, Durg, District Durg (C.G.)
3. Joint Director, Treasury and Pension, Durg Division, Durg (C.G.)
4. High Power Committee (Pension & Retiral Dues), Mahanadi Bhawan, Raipur (C.G.)

---- Respondent

For Petitioner	Shri T.K. Tiwari, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/04/2015**

1. By the instant writ petition, the petitioner has prayed for a direction to the respondents to give 100% pension to the petitioner against the death of her husband Suresh Kumar Upadhyay as also the other payable amount i.e. the amount of gratuity etc.
2. Learned counsel for the parties would submit that the issue raised and relief claimed in the writ petition are required to be considered by the Pension Committee.
3. This Court in W.P. No.4642/2004 (Bajinath Mandal Vs. 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 Vs. State Government and others) and order dated 13.3.2008 passed in MCC No.105/2008 (State of Chhattisgarh & others Vs. Baijnath Mandal and another). Thus, 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.

4. This writ 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 petitioner and this order. Thereafter, the Committee shall issue notice to the petitioner 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 petitioner and the officers concerned may file additional documents, if necessary. The entire exercise including payment of retiral dues, if any, to the petitioner be completed within a period of 3 months from the date of receipt of a copy of this order.
5. The petitioner shall supply extra copy of the petition to learned State counsel for forwarding the same to the Committee.

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