

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2362 of 2015**

- S. M. Niyaiya Son of Sheikh Mohammad Maria, Aged About 63 years, R/O Ward No. 4, Sahupara, gharghoda, P.S. Gharghoda, District- Raigarh (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through- Secretary, Higher Education Department, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)
2. The Accountant General, State Of Chhattisgarh, Raipur (C.G.)
3. Assistant Commissioner, Tribal Development, Raigarh, District- Raigarh (C.G.)
4. Block Education Officer, Gharghoda, District- Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For Respondents/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/07/2015**

1. Petitioner has preferred this writ petition seeking quashment of the order dated 20/04/2015 (Annexure P-4), whereby amount of Rs.6,77,114/- has been directed to be recovered from the retiral dues of the petitioner.
2. Learned counsel appearing for the petitioner submits that the matter relates to recovery of excess payment and the same may be referred to the Pension Committee.
3. This Court, in the matter of W.P. No. 4642/2004 (Baijnath 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 19/06/2006 passed in W.P. No. 1961/2006 (Smt. Keja Bai Chandrakar Vs. State Government and Others)

and order dated 13/03/2008 passed in M.C.C. No. 105 of 2008 (State of Chhattisgarh & Others V. Baijnath Mandal and another). Thus, this petition is squarely covered by the judgment and order dated 31st of January, 2008 passed in W.P. No. 4642/2004 Baijnath Mandal (supra) as submitted by learned counsel appearing for the parties.

4. 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 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 non-payment of retiral dues and full pensionary benefits, if any, to the petitioner be completed within a period of three months from the date of receipt of a copy of this order.
5. The petitioner shall supply extra copy of the petition to the learned counsel appearing for the State/respondents for forwarding the same to the Committee.
6. Learned counsel for the petitioner would submit that liberty may be reserved in favour of the petitioner to move fresh writ petition if the decision made by the Committee on anyone of the claim including claim for interest is decided against the petitioner.
7. Liberty as prayed for is granted.
8. Accordingly, writ petition stands disposed of.

Sd/-
JUDGE

Prashant Kumar Mishra

ashu