

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.5585 of 2011

Smt. Nohar Kunwar, Wd/o Late Angad Singh, aged about 62 years, R/o Village and Post Gursia, Tahsil Katghora, District Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Water Resources Department, D.K.S. Bhawan, Mantralay, Raipur (C.G.)
2. Chief Engineer, Minimata Hasdeo Bango Project, Water Resources Department, Bilaspur (C.G.)
3. Chief Executive Engineer, Minimata Hasdeo Bango Project Division No.4, Bilaspur (C.G.)

---- Respondents

For Petitioner: Mrs. Renu Kochar, Advocate.

For Respondents/State: Mr. Dheeraj Kumar Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/10/2015

1. This writ petition has been filed claiming retiral dues viz., pension, gratuity and PF stating that the petitioner is already entitled for entire benefits which have not been given along with interest.
2. Learned counsel for the parties submit that the issue involved in the present writ petition can be considered by the Pension Committee.
3. This Court, in W.P.No.4642/2004 (Bajnath 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. Baijnath Mandal & another). Thus, this petition is squarely covered by the judgment and order dated 31-1-2008 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 retiral dues of the employee and other 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 claims including claim for interest is decided against the petitioner.
7. Liberty as prayed for is granted.
8. Accordingly, the writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge