

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4145 of 2015**

Arun Kumar Gupta aged about 63 years S/o Late Manrakhan Gupta R/o
Baniya Para Rajim Civil District Raipur Revenue District Gariyaband (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, through the Secretary Water Resources
Department Mantralaya Bhawan New Raipur
2. The Executive Engineer Water Resources Division Raipur District
Raipur (C.G.)
3. The Joint Director Directorate of Funds Accounts and Pension
Raipur Division Raipur (C.G.)

---- **Respondents**

For Petitioner:	Mr. Ravindra Agrawal, Advocate.
For Respondent/State:	Mr. Varun Sharma and Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/11/2015**

1. This writ petition has been filed questioning the wrong fixation of the pension by the respondent authority and for referring the matter to the pension committee.
2. Learned counsel appearing for the parties would 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 writ 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 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 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 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