

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4856 of 2015**

Ashok Kumar Paliwal son of Late Shri K.K. Paliwal aged 58 years (Voluntary Retired Sub-Engineer) Water Resources Sub-Division Patthalgaon District Jashpur (CG) R/o Shriram Colony Geeta Talkies Road Dabara District Gwalior (MP) Mob. No.097550-76476

---- Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary Water Resources Department Mahanadi Bhawan New Mantralaya New Raipur (C.G.)
2. Engineer-in-Chief Water Resources Department Sihawa Bhawan Civil Line Raipur District Raipur (C.G.)
3. Superintendent Engineer Water Resources Department Shyam Barnoi Project Circle Ambikapur District Surguja (C.G.)
4. Executive Engineer Water Resources Department Jashpur Division District Jashpur (C.G.)
5. Sub-Divisional Officer Water Resources Department Patthalgaon District Jashpur (C.G.)

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate.
For Respondent/State	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/12/2015**

1. By this petition, the petitioner who has voluntarily retired from the post of Sub-Engineer in the Water Resources

Department is seeking direction to the respondents to fix his pension and grant all retiral dues with 18% interest without delay.

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 (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.
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 is decided against the petitioner.
7. Liberty as prayed for is granted.
8. Accordingly, the writ petition stands disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge