

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 65 OF 2016

Gurucharan Singh, S/o Shri Sadhu Singh, aged about 70 years, Ex. Technical Assistant, Medical Department Engineering College, R/o Engineering Colony, Koni, Police Station Koni, District Bilaspur (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through the Secretary Technical Education, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Deputy Director, Technical Education, Mahila Polytechnic Premises, Baron Bazar, Raipur, District Raipur (C.G.)
3. The Deputy Director, Technical Education, Mahila Polytechnic Premises, Baron Bazar, Raipur, District Raipur (C.G.)
4. The Principal, Government Engineering College, Koni, District Bilaspur (C.G.)
5. The Accountant General, State of Chhattisgarh, Raipur (C.G.)

... Respondents

For Appellant	: Mr. Manoj Jaiswal, Advocate.
For Respondent-State	: Mr. R.K. Gupta, Deputy Advocate General.
For Respondent No.5	: Mr. Ashwani Shukla, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

10/02/2016

1. The present appeal arises from order dated 23.12.2015 dismissing Writ Petition (S) No. 4967 of 2015 declining to interfere with the direction to vacate the government premises after retirement and deposit the dues in respect of the same.

2. On 25.11.2002, the Appellant was informed his date of superannuation as 30.9.2003 basis the date of birth mentioned in the service records. He moved for correction of date of birth unsuccessfully. Writ Petition No. 1074 of 2004 was dismissed on 15.1.2014.

3. Learned Counsel for the Appellant submits that dues remained outstanding with regard to increments for certain periods. An affidavit has also been filed today giving an undertaking to vacate the official quarter within a period of one month.

4. Learned Counsel for Respondents No. 1 to 4 opposes the prayer.

5. We have considered the submissions on behalf of the parties and in view of the undertaking furnished before us grant the Appellant one month time from today to vacate the premises in question. If the undertaking is violated by not vacating the official quarter by the specified date it will constitute willful and contemptuous disobedience of the undertaking furnished to the Court in a judicial proceeding. Respondents No. 1 to 4 shall also be at liberty to take possession of the premises immediately through their Estate Officer without the need to draw up any proceedings. Any other grievance may be pursued by way of representation if so advised.

6. The appeal is dismissed in the light of the undertaking given.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge