

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 510 of 2016**

- Rajaram Donarkar, son of late Shri Bansi Donarkar, aged about 63 years, (Retd. Revenue Inspector, Mahasamund), resident of Ward No.1, Behind Nag Mandir, Bhatera Chowki, Balaghat, District Balaghat, Madhya Pradesh. **---- Petitioner**

Versus

1. State of Chhattisgarh, through the Commissioner, Department of Land Records, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur.
2. The Collector, Land Records Branch, Collectorate, Tahsil & District Mahasamund.
3. The Sub-Divisional Officer, Revenue, Tahsil Saraipali, District Mahasamund.
4. The Accounts (Treasury) Officer, Treasury Accounts & Pension, Tahsil & District Mahasamund.

---- Respondents

For Petitioner : Shri Nimish Kiran Sharma, Advocate.
 For Respondents/State : Shri Arun Sao, Dy.AG

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/02/2016**

(1) With the consent of learned counsel for the parties, the matter is heard finally.

(2) By this petition, the petitioner is seeking direction to the respondents to release retiral dues and other pensionary benefits as also the consequential benefits along with interest.

(3) Learned counsel for the parties would submit that the issue involved and the relief claimed in the present petition are required to be considered by the pension committee.

(4) This Court, in the matter of W.P. No. 4642 of 2004 (*Baijnath Mandal v. The State of Chhattisgarh & others*) and other concerned 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 Chandrakara v. State Government of Chhattisgarh and others*), and order dated 13/03/2008 passed in M.C.C. No. 105 of 2008 (*State of Chhattisgarh and others v. Baijnath Mandal and another*). Thus, this petition is squarely covered by the judgment and order dated 31st January, 2008 passed in W.P. No. 4642 of 2004, *Baijanth Mandal (supra)* as submitted by the learned counsel for the parties.

(5) The petition is accordingly disposed of in the same terms i.e. the Office of the Advocate General is directed to send the case of the petitioner to the Committee within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the Committee shall issue notice to the petitioner and 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 petitioner. 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.

(6) The petitioner shall supply extra copy of the petition to learned counsel appearing for the State/respondents for forwarding the same to the Committee.

(7) 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.

(8) Liberty, as prayed for, is granted.

(9) Accordingly, the writ petition stands disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-