

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1861 of 2016**

P. S. Shrivastava S/o Late Nohar Lal Shrivastava, Aged About 62 Years Retired Assistant Director Agriculture Rajnandgaon, R/o Divyam House, Near Rly, Crossing, Balod, District Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh

2. Deputy Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh

3. Director Agriculture, Directorate Of Agriculture, Chhattisgarh, Raipur Chhattisgarh

4. Deputy Director Agriculture, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner: Mr. Sushil Dubey, Advocate.
For Respondent/State: Mr. O.P. Sahu, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/05/2016**

1. By this petition, the petitioner is seeking direction to the respondents to release the retiral dues including the recovery made from the salary of the petitioner.

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. 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 {Bajnath 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