

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.6485 of 2016**

Sukanti Nayak (Naik) Wd/o Surendra Nayak Naik Aged About 59 Years R/o Jhankarpara, Post And Police Station Hirakund, District Sambalpur (Orissa).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, New Raipur, Distirct Raipur Chhattisgarh
2. The Accountant General, Gwalior M.P.
3. Executive Engineer, Irrigation Department Heavy Engineering Section Raipur Division Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Basant Kaiwartya, Advocate.
 For State : Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/12/2016**

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

(2) Learned counsel appearing for the parties submit that the matter may be referred to the Pension Committee.

(3) This Court, in W.P. No. 4642 of 2004 (*Bajjnath 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.

(4) 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 be completed within a period of six months from the date of receipt of a copy of this order.

(5) Registry is directed to supply one complete set of the writ petition to the State Counsel for transferring the same to the Committee.

(6) No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge