

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6631 of 2016**

Sukharu Jaisawal S/o Shri Hathar Jaisawal, Aged About 63 Years
R/o Village & Police Station Masaniya Kalan Police Station &
Bloack Sakti, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Superintendent Engineer, Public Works Department National Highway Zone, Bilaspur Chhattisgarh
3. Executive Engineer, Public Works Department National Highway Division, Bilaspur Chhattisgarh
4. Sub Divisional Officer, Public Works Department, National Highway Sub - Division Raigarh, District Raigarh Chhattisgarh
5. Joint Director, Treasury, Accounts and Pension Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri Jeet Patel, Advocate.
For State : Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/12/2016**

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

(2) Learned counsel appearing for the petitioner submits that this matter may be referred to the pension committee.

(3) This Court, in W.P. No. 4642 of 2004 (*Bajinath 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 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 petitioner. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise including payment of retiral dues, if any, to the petitioner be completed within a period of six 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) No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge