

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.4593 of 2004

Smt. Mase, W/o Late Gagra Ram, aged about 45 years, R/o Village Parpa, Tahsil Jagdalpur, Distt. Bastar (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Forest, Mantralaya, Raipur, Distt. Raipur (C.G.)
2. The Conservator of Forest, Jagdalpur, Circular, Jagdalpur, Distt. Jagdalpur (C.G.)
3. The Division Forest Office, South Bastar (General), Forest Division, Jagdalpur (C.G.)

---- Respondents

For Petitioner: Mr. Keshav Dewangan, Advocate.
For State/Respondents: Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/03/2017

1. The petitioner is widow of Late Gagra Ram, who was a Government servant and consequently died. Family pension in terms of the Chhattisgarh Civil Services (Pension) Rules, 1976 was granted to her on 19-8-1986, but subsequently withdrawn by order dated 23-11-1990. Thereafter, when the writ petition was filed before this Court, the earlier order dated 23-11-1990 withdrawing the family pension was set aside and the petitioner was started paying family pension with effect from 30-9-2006.
2. Learned counsel for the petitioner submits that the petitioner is

entitled for arrears of family pension from 23-11-1990 to 30-9-2006.

3. The respondents themselves have withdrawn the second order dated 23-11-1990 and have not assigned sufficient and valid reason for withdrawing the family pension which was granted to the petitioner in accordance with law on 19-8-1986. Since the order dated 23-11-1990 has already been withdrawn, the petitioner is held entitled for family pension from 23-11-1990 to 30-9-2006 along with 6% interest per annum from the date of entitlement till the actual payment is made. The petitioner will also be entitled for balance gratuity, if any, withheld by the respondents.
4. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge