

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.3882 of 2003**

Indramani Pandey S/o Sri Ramdatt Pandey, Aged about 65 years, R/o.
Bramhanpara-Ambikapur, Distt-Sarguja (CG)

---- Petitioner

Versus

1. State of C.G. Through: Secretary, Finance Planning Department
D.K.S. Bhawan, Raipur (CG)
2. Collector, Ambikapur, Distt-Sarguja (CG)
3. Accountant General (ANE) Second, Gwalior (M.P.)
4. Joint Director, Treasury & Accounts & Pension Department,
Bilaspur (CG)
5. District Education Officer, Ambikapur, Distt-Sarguja
6. Joint Director, Public Education Department, Sarguja (CG)
7. Principal, Govt. Hr. Sec. School Darima Road, Ambikapur, Distt-
Sarguja (CG)
8. Accountant General (ANE), Raipur (CG)

---- Respondents

For petitioner	:	Mr.Manoj Paranjape, Advocate
For State	:	Mr.Aditya Shrama, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/04/2017

1. The petitioner retired from the post of Physical Training Instructor w.e.f. 30.6.1998. He was granted benefit of pension and other retiral dues and thereafter on 14.8.2003 (Annexure P/16) respondent No.4 has issued the impugned order, which has been challenged by the petitioner in this writ petition that after retirement without giving an opportunity of hearing, such an

order directing revision of his pension has been passed with a note that revised pay scale has been granted erroneously on 3.12.1998.

2. Learned counsel for the petitioner would submit that it is not the case where the petitioner has been fraudulently obtained the said benefit and no any opportunity of hearing has been given to him before passing the order impugned.
3. On the other hand, learned Panel Lawyer for the State would oppose the writ petition.
4. It is not in dispute that the petitioner has retired from his service way back on 30.6.1998 and no opportunity of hearing has been given to him before passing the impugned. It is not the case of the State that the petitioner has obtained the revised pay scale by making mis-representation or practicing fraud.
5. In view of judgment of the Supreme Court in the matter of **State of Punjab and others Vs. Rafiq Masih (White Washer) and others**¹ and keeping in view that the petitioner has already been retired from his service and there is no fault of the petitioner in granting revised pay scale to him, the impugned order dated 14.8.2003 (Annexure P/16) is hereby quashed. The respondents-authorities are directed to settle the retiral dues of the petitioner expeditiously.
6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-