

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.1758 of 2005

Kamal Kishore Dubey, aged 63 years, S/o Late Shri Mangal Din Dubey, R/o MIG-24, Nehru Nagar, Bilaspur

---- Petitioner

Versus

1. State of Chhattisgarh, through Vitta, Vanijyik Kar, Yojna, Arthik Avm Sankhyiki Tatha 20 Sutriya Karyakram Kriyanvayan Vibhag, Mantralaya, D.K.S. Bhawan, Raipur

2. Dy. Commissioner, Commercial Tax, Durg

---- Respondents

For Petitioner: None present.

For Respondents/State: Mr. Arun Sao, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/07/2017

1. By this petition, the petitioner is seeking direction to the respondents to make payment of the entire gratuity amount with 18% interest without delay, whereas it is the claim of the State that the amount due has already been paid. However, learned State counsel submits that the issue involved in the present writ petition can be considered by the Pension Committee.
2. This Court, in W.P.No.4642/2004 (Bajinath 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. Baijnath Mandal & another). Thus, this petition is squarely covered by the judgment and order dated 31-1-2008 passed in W.P.No.4642/2004 {Baijnath Mandal (supra)} as submitted by learned State counsel.

3. 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 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 employees 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.
4. The Office of the Advocate General is directed to supply a copy of the writ petition with annexures to the Committee, as the petitioner is not represented before this Court.
5. Liberty is also 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.
6. Accordingly, the writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge