

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4329 of 2017

Ishwar Lal Bareth S/o Late Amar Singh Bareth Aged About 60 Years By
Occupation Premature Retired As Head Constable, R/o Village Jorapali,
Dhanagar, Distt. Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Home Department Mantralaya,
Naya Raipur, Distt. Raipur, Chhattisgarh
2. Superintendent Of Police, Distt. Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2017

Heard.

1. This petition has been filed by the petitioner aggrieved by non-finalization of pension case.
2. Learned counsel for the petitioner submits that, according to the petitioner, his correct date of birth is 10.01.1957 whereas, it was wrongly recorded in his service records as 10.01.1951. It is submitted that the petitioner has already brought a dispute by way of filing of petition before this Court under Writ Petition(S) No.4821 of 2015 which is pending. When the petitioner sought to submit his form on this protest, the respondents are insisting the petitioner to mention his date of birth as 10.01.1951 which is not acceptable to the petitioner.
3. It appears that as the petitioner is not mentioning his date of birth as recorded in the service book, his pension case has not been finalized. The petitioner's apprehension is that if he mentions 10.01.1951 as his date of

birth in the pension form, it will adversely affect his claim in the pending writ petition is misconceived. As the petitioner has already filed a petition, even if in the pension form, the petitioner records his date of birth as 10.01.1951 which is recorded in the service book, it will not have any adverse effect on his pending claim before this Court. The petitioner shall submit his pension form showing the date of birth as recorded in the service book. Thereafter the petitioner's pension case shall be finalized expeditiously and in any case within three months so that all other benefits including GPF, Gratuity, leave encashment, GIS are paid, pension is finalized and arrears since the date of retirement are paid to the petitioner.

4. The petition, at this stage, is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E