

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.4272 of 2005

Smt. Arunlata Agrawal, W/o Late J.L. Agrawal, Aged about 66 years,
R/o Eco Green Block No. B-3, Flat No.307, Post Salaiya, Trilanga,
Bhopal (M.P.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Commissioner, Higher Education, Chhattisgarh, Raipur (C.G.)
3. Commissioner, Higher Education, Madhya Pradesh, Satpura Bhavan, Bhopal (M.P.)
4. State of Madhya Pradesh, Through the Secretary, Department of Higher Education, Mantralaya, Vallabh Bhavan, Bhopal (M.P.)

---- Respondents

For Petitioner: Mr. Jitendra Pali, Advocate.

For Respondents No.1 and 2 / State of Chhattisgarh: -

Mr. Arun Sao, Deputy Advocate General.

For Respondents No.3 and 4 / State of Madhya Pradesh: -

Mr. Vinay Harit, Senior Advocate with Mr. Anand Kumar Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/08/2017

1. Original petitioner J.L. Agrawal died during the pendency of writ petition and his wife Smt. Arunlata Agrawal has been brought on record.
2. Learned counsel for the petitioner submits that the original petitioner has not been paid salary from 30-1-1992 till his date of superannuation though he had worked in the State of Madhya Pradesh and the State of Chhattisgarh. Pensionary benefits have also not been granted to the original petitioner. He would further

submit that the original petitioner is entitled for salary from that date till 30-10-2004 and is also entitled for pension.

3. Whereas, Mr. Sao, learned Deputy Advocate General appearing on behalf of the State of Chhattisgarh/respondents No.1 and 2 submits that the present petitioner be directed to make a representation to the State Government for consideration of disbursement of salary, if any, and for grant of pension, the matter may be referred to the Pension Committee.
4. I have heard learned counsel for the parties.
5. Since the petitioner's claim is that the original petitioner is entitled for salary for the period for which he had worked, whereas, the State counsel submits that the matter be directed to be considered.
6. In view of the above, the State Government is directed to consider the case of the original petitioner for grant of salary along with interest for the aforesaid period and take decision. The petitioner may make additional representation supported by documents and in that case, the matter shall be disposed of within two months from the date of additional representation, if any.
7. So far as pension is concerned, the petitioner is directed to furnish a copy of this petition along with annexures to the Office of the Advocate General and in turn, the Office of the Advocate General is directed to send the case to the Pension 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.

8. 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.
9. Accordingly, the writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma