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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2242 of 2017**

- Basant Shelkey S/o Late Shri Baburao Shelkey, Aged About 63 Years R/o Mahaveer Nagar, Basant Vihar, Raipur, Police Station Rajendra Nagar, Tahsil & District Raipur, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Commercial Tax (Registration), Mahanadi Mantralaya, Police Station & Post Rakhi, New Raipur, District Raipur, Chhattisgarh
2. Inspector General (I.G.), Office Of Inspector General (Registration) & Superintendent Of Stamps, Near Old Mantralaya, Ghadi Chowk, Raipur, District Raipur, Chhattisgarh
3. Senior District Registrar, Office Of District Registrar, Collectorate Office, Raipur, District Raipur, Chhattisgarh
4. District Registrar, Office Of District Registrar, Collectorate Office, Jagdalpur, Distt. Bastar, Chhattisgarh

**---- Respondent**

For Petitioner

Mr. Abhishek Pandey, Advocate

For Respondent /State

Mr. SP Kale, Dy. AG and Ms.  
Tripti Rao, Panel Lawyer**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****15/5/2017**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been removed from the service on account of

conviction in a criminal case, however, he is still entitled to the amount under the GPF, GIS and Earned Leave Encashment and also salary for the months of August & September 2013, which has not yet been paid to him.

3. Considering the entire facts' situation of the case, even if the petitioner may not be entitled to pension and gratuity at this stage, till his appeal challenging the conviction is pending consideration, his claims to receive GPF, GIS, Earned Leave Encashment and salary for two months i.e. August & September 2013, should be decided by the competent authority.
4. Let the petitioner move a representation before the competent authority i.e. respondent No.2 within a period of 15 days claiming salary for the months of August and September 2013. On submission of such representation, respondent No.2 shall decide the representation within a period of 02 months from the date of submission of representation.
5. For the remaining claims concerning payment of GPF, GIS and Earned Leave Encashment, the Pension Redressal Committee shall consider the same.
6. This Court, in the matter of W.P. No. 4642/2004 (*Baijnath 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 19/06/2006 passed in

W.P. No. 1961/2006 (*Smt. Keja Bai Chandrakar Vs. State Government and Others*) and order dated 13/03/2008 passed in M.C.C. No. 105 of 2008 (*State of Chhattisgarh & Others V. Baijnath Mandal and another*). Thus, this petition is squarely covered by the judgment and order dated 31<sup>st</sup> of January, 2008 passed in W.P. No. 4642/2004 *Baijnath Mandal (supra)* as submitted by learned counsel appearing for the parties.

7. 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 a copy of the petition from the petitioner and 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 retrial dues of the employee 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. The petitioner shall supply extra copy of the petition to learned counsel appearing for the State/respondents for forwarding the same to the Committee.
9. Learned counsel for the petitioner would submit that liberty may be reserved in favour of the petitioner to move fresh writ

petition if the decision made by the Committee on any one of the claims including claim for interest is decided against the petitioner.

10. Liberty as prayed for is granted.

11. Accordingly, the writ petition stands disposed of.

Sd/-  
Judge

**(Prashant Kumar Mishra)**

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