

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7061 of 2010**

- Panch Ram Mishra, S/o Late Shri Chhedi Lal Mishra, aged about 65 years, Occupation : Retired Forester Divisional Officer, Bilaspur, R/o New Sarkanda, Bandhwapara, Arvind Nagar, Near Satbahaniya Temple, Bilaspur, Tah. & District Bilaspur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary Forest Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Additional Secretary, General Administration Department, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (C.G.)
3. The Divisional Forest Officer, Bilaspur Forest Division, District Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Rajesh Kumar Sharma, Advocate
For State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.03.2018**

1. The present is a second round of litigation. In the earlier round of litigation, the Petitioner has filed W.P. (S) No. 1961 of 2006, which was disposed of on 13.03.2008, whereby the dispute of the Petitioner was ordered to be placed before the High Power Retiral Dues Committee; hereinafter referred to as 'the Committee' constituted by the State Government. Accordingly, the case of the Petitioner was placed before the Committee which had scrutinized the case of the petitioner. During the course of scrutinization of the Petitioner's case the authorities found that the petitioner while in service was already granted the benefit of higher pay scale on 03.05.1971 and again on 18.01.1976 and therefore, he could not have got the advantage of Kramonnati in 1999. This has been paid to him erroneously by the Department.

2. Given the aforesaid facts, the Department had initially ordered for recovery of the excess amount of payment made of Rs. 47,466/- and also had ordered for proper fixation of pension payable to the petitioner at the rate of Rs. 2600/- instead of 2900/- as was initially proposed. The order of recovery of Rs.47,466/- was separately challenged in W.P.(S) No. 3577 of 2007 and the said petition stood allowed by order dated 07.04.2008. The only issue left is whether the Petitioner would be entitled for the pension at the rate of Rs. 2600/- or whether he should be given pension at the rate of Rs. 2900/-. The Petitioner during the course of argument fairly accepts the fact that the Petitioner has been wrongly found to have been given the benefit of Kramonnati in the year 1999.
3. Given the aforesaid submission, the action taken on the part of the Respondent in granting proper fixation of pension at the rate of Rs. 2600/- cannot be found fault with and the Petitioner otherwise was not legally entitled for the pension at Rs. 2900/- which was wrongly proposed on account of an error which was later on detected. Given the said facts, this Court has no hesitation in reaching to conclusion that once an error has been detected it was the right for the employer to carry out the rectification and grant proper relief to the employee. The finding of the Committee cannot be found fault with and the Petitioner has not been able to make out strong case calling for an interference with the impugned order.
4. The writ petition thus deserve to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE