

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1534 of 2012**

Radheshyam Dadsena, S/o. Manohar Lal Dadsena, Aged about 64 years, R/o. Village Sukli, Post Bareli, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh.
2. Chief Conservator of Forest (General Administration) Aranya Bhawan, Jail Road, Raipur, Chhattisgarh
3. The Divisional Forest Officer (East), Raipur Division, Raipur, Chhattisgarh
4. The Joint Director, Treasury, Accounts and Pension, Raipur, Chhattisgarh
5. The Accountant General, Chhattisgarh, Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. P.P. Sahu, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/03/2018**

1. The dispute in the present writ petition seems to be the wrong calculation of the retiral and pensionary benefits paid to the petitioner. The petitioner has claimed certain unpaid dues under the pension and gratuity and other arrears payable to the petitioner on his retirement.
2. The petitioner submits that this is the third round of litigation. Another aspect which the petitioner has raised is that the department may be directed to ensure that the period between 1982-83 to 1989 i.e. the period when the services of the petitioner stood terminated be also taken into consideration as qualifying service. According to the petitioner, the services of the petitioner

was terminated vide order dated 05.01.1982/1983 and the said order was set-aside by the Appellate authority on 14.06.1989. The order of termination getting set-aside has an automatic consequence of the intervening period to be treated as in service. Moreover, the Appellate authority himself had in his order held that the said period would be treated as “no work no pay” which by itself would mean that the period would be counted as period spent on duty, but he would not be actually paid any monetary benefits.

3. Given the aforesaid factual matrix of the case by virtue of the order of the Appellate authority i.e. the Conservator of Forest dated 14.06.1989, this Court has no hesitation in holding that the said intervening period i.e. between 1983-1989 has to be treated as period spent on duty for the purpose of counting the total length of service.
4. So far as the dispute in respect of the calculation of the pensionary and retiral duties are concerned, this Court is of the opinion let the petitioner's case be placed before the High Power Committee constituted by the State Government for redressal of the dispute pertaining to retiral dues.
5. Let the petitioner also be called upon by the committee and the petitioner shall explain to the committee in respect of each of his claims and after thorough scrutiny being made both of the service records and other records available with the respondents, the committee shall pass a suitable order within a period of 4 months from the date the certified copy is obtained.

6. It is expected that the authorities concerned would give a fair chance of hearing to the petitioner in respect of his claims that he has made. While inquiry is being made the respondents shall also make available the calculation sheet in respect of the amount arrived at by the respondents so far as calculating the pensionary benefits of the petitioner is concerned. Needless to mention the department shall also take in account the intervening period from 1983 to 1989 as qualifying service for counting his retiral dues.
7. The writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved