

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1812 of 2012**

- Awadh Ram Pandey, S/o Late Shri Rishi Ram Pandey, R/o New Adarsh Nagar, Zone -1, Street No. 1, Plot No. 39, Borsi Road, Durg, District – Durg (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : The Secretary, Urban Administration Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Municipal Corporation, Durg, Through - The Commissioner, Municipal Corporation Durg (C.G.)
3. The High Power Retiral Dues Committee, Pagariya Complex Pandari, Raipur, Distt. - Raipur (C.G.)

---- Respondents

For Petitioner	: Shri Jitendra Gupta, Advocate
For Corporation	: Shri A.S. Kachhawaha and Shri B.L. Sahu, Advocates
For State	: Shri Lav Sharma, Deputy Government Advocate

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

22.03.2018

1. The present is a second round of litigation. The earlier round of litigation was filed as WPS No. 5345 of 2006. The said writ petition in the earlier round was disposed of on 14.07.2009, directing the Petitioner to approach the High Power Retiral Dues Committee; hereinafter referred to as 'the Committee', constituted by the State Government for redressal of the disputes pertaining retiral and pensionary benefits. Thereafter, the matter was placed before the Committee and the Committee has since decided the case of the Petitioner vide order dated 08.04.2010 (Annexure – P/9).
2. Perusal of the Committee's order would show that it is not a detailed order which has been passed, but it is an order passed mechanically without giving any specific details in respect of the grievances which the Petitioner has raised. In the pleading to the present litigation, the contention of the Petitioner is three fold. The 1st ground raised by the Petitioner is that the

services rendered by the Petitioner as Vaidyaraj in the Janpad Panchayat from October 1970 till July, 1976 ought to have been taken into account for counting the service as qualifying service and the pensionary and retiral dues should have been paid accordingly keeping in view the Rule 28 of the Chhattisgarh Civil Services (Pension) Rules, 1976. The 2nd ground raised by the Petitioner is that the retiral dues paid to the Petitioner ought to have been calculated on the basis of the last salary drawn by the Petitioner, which in the instant case has not been done by the Respondents. The 3rd ground raised by the Petitioner is that the State Government subsequently has taken a policy decision that the employees of the Municipal Corporation would also be entitled for the benefit of the revision of pay which would be effective from 01.01.2006 and since the Petitioner has retired in March, 2006, he should be given pensionary benefit on the revised pay.

3. Given the aforesaid factual matrix of the case, on perusal of the records it reveals that Annexure-P/5 is a document issued by the Commissioner, Municipal Corporation, Durg on 22.04.1981, wherein it was recommended by the Commissioner for counting his past services rendered in Janpad Panchayat as Vaidyaraj. Further, it also reflects that there has been no break in service and there has been continuity in the employment of the Petitioner since October, 1970 till the date of his retirement.
4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that ends of justice would be further met if the claim of the Petitioner is once again placed before the Committee constituted by the State Government and which in turn shall consider the grievance of the Petitioner in the light of the observations made in the preceding paragraphs. The Committee shall redress the grievance of the Petitioner keeping in view of the facts, particularly the recommendation made by the Municipal Corporation for counting the past service of the Petitioner, so as, it would verify whether the provisions of the revision of pay to a Government employee w.e.f. 01.01.2006 has been made applicable to the employees of

Municipal Corporation and if yes, the Petitioner should be given the benefit accordingly.

5. Lastly the Committee would also consider whether the Retiral Dues calculated to the Petitioner has been based on the last wage drawn by the Petitioner on March, 2006 or not. Considering the age of the Petitioner and the fact that he is a retired employee, let the Committee take a decision, expeditiously as early as possible, preferably within a period of 90 days from today.
6. Needless to mention that the Committee while deciding the matter should also call upon the Petitioner and who shall produce before the said Committee all relevant documents considered and other related documents which he intends to rely to support his claim.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE