

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.6414 of 2009**

L.P. Shukla, S/o Late Shri B.P. Shukla, aged about 64 years, R/o Near Baronda Chowk Near Gyatri Mandir, Mahasamund, District – Mahasamund, Chhattisgarh.

----Petitioner**Versus**

1. State of Govt. of Chhattisgarh, through The Secretary General Administrative Department, D.K.S. Bhawan Raipur, District – Raipur, Chhattisgarh.
2. Divisional Joint Director (Treasury, Account & Pension), Raipur, District – Raipur, Chhattisgarh.
3. Secretary High Power Pension Disposal Committee, D.K.S. Bhawan Raipur, District – Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For respondents-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.03.2018.**

1. The present is a second round of litigation. The petitioner was retired from the post of Headmaster w.e.f. 31.08.2007. The only grievance which the petitioner has raised in the present petition is that his last wage drawn was Rs.9300/- and which he had drawn for about six months period, but while granting the pensionary benefit, his last wage drawn has been taken as Rs.8900/-.
2. Learned counsel for the petitioner submits that in the year, 2008, he had filed a writ petition being WPS No. 7108 of 2008 which got disposed of on 19.12.2008 with a direction to the High Power Committee to scrutinize the case of the petitioner and thereafter

decide the same within a period of four months.

3. The impugned order dated 04.06.2009 (Annexure P/1) in the instant case has been passed as per direction of this Court dated 19.12.2008. The contention of the petitioner is the the impugned order is a non speaking order inasmuch as there is no discussion whatsoever made by the committee while deciding the grievance of the petitioner. He submits that it is only one line rejection order where the committee has held that after scrutiny they do not find any correction to be made so far as last wage drawn is concerned and have rejected the claim of the petitioner. The committee has not taken into consideration the documents which were enclosed along with the petition which would show that the last wage drawn as per last pay certificate issued by the department after his retirement itself showed his wages at Rs.9300/- instead of Rs.8900/-. Further, vide rejoinder to the reply, the petitioner has again showed document in respect of the salary that he was drawing and which would show Rs.9300/- being received by him since March, 2007 onwards. This aspect has not been taken into consideration by the committee or at least no discussion in this regard is reflected from the impugned order.
4. Under the given circumstances, this court is of the opinion that the impugned order is not sustainable and the same is liable to be and is hereby set aside and the matter is remitted back to the High Power Committee for reconsideration of the petitioner's claim and in turn, the committee shall consider the service book as well as last pay

certificate of the petitioner particularly in respect of salary of the petitioner that he had drawn for the last six months of Rs.9300/- instead of Rs.8900/- as has been claimed by the department.

5. The Committee is expected to give reasons, if they are not accepting the claim of the petitioner, as to under what facts and circumstances they hold that the wages of the petitioner was Rs.8900/- and not Rs.9300/-. Let this exercise be completed within a period of 60 days from the date the petitioner makes available the certified copy of this order along with entire documents of the petition and all other relevant enclosures before the committee.
6. Accordingly, the present writ petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder