

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5577 of 2012**

Tara Chand Dubey, aged about 70 years, Son of late Chhotelal Dubey, retired Assistant Inspector General of Police, I.G. Office, Bilaspur (CG) presently resident of L.I.G. Blg. 696, Dhanwantari Nagar, PS Garha, Jabalpur (MP)

---- Petitioner**Versus**

1. The State of Chhattisgarh through Principal Secretary, Government of Chhattisgarh, Home (Police) Department, Mahanadi Bhawan, New Mantralaya, Capital Complex, Raipur (CG)
2. The Director General of Police, Chhattisgarh Police Headquarters Raipur(CG)
3. The Inspector General of Police, Bilaspur Zone, Bilaspur (CG)
4. The Assistant Inspector General of Police (Accounts) DHR, Police Head Quarter, Civil Lines, District Raipur (CG)

---- Respondents

For Petitioner	:	Shri Manish Nigam, Advocate
For Respondents/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/04/2018**

The challenge in the present writ petition is to the order dated 20.07.2010 Annexure P-1 whereby the claim of the petitioner for pensionary benefits from the state of Chhattisgarh has been refused by the respondents.

2. Contention of the counsel for petitioner is that vide a wireless communication dated 10.12.2000 Annexure P-2, the petitioner's services stood allocated to the State of Chhattisgarh and the petitioner accordingly resumed his duties in the State of Chhattisgarh. However, the petitioner

joined his duties in the State of CG on 31.03.2001. It appears that the petitioner was not being granted joining. The petitioner meanwhile raised a dispute pertaining to his date of birth by way of a writ petition i.e. WP No. 553/01 where the petitioner, as an interim measure, was permitted to continue his service till 31.07.2001 from which date the petitioner stood retired from service.

3. Counsel for the petitioner submits that since the petitioner had been granted joining by the State of CG and stood retired from the service of the State of CG on 31.07.2001, for all practical purposes his retiral dues and pensionary benefits payable to the petitioner should be released by the State of CG. He submits that present writ petition has been filed seeking for only the relief of quashing the impugned order under challenge Annexure P-1.

4. State counsel, on the contrary, opposing the petition submits that there are material suppression of facts by the petitioner while filing the present writ petition so also while filing the earlier writ petition i.e. W.P. 553/01.

5. The allocation of the petitioner to the State of Chhattisgarh had been challenged by the petitioner himself before the State Administrative Tribunal vide OA No. 6962/2000. The said OA finally stood allowed on 06.02.2001 whereby the Tribunal quashed the provisional allocation order of the petitioner and held that since the petitioner was to retire within a period of just about few months, the allocation was bad and contrary to the guidelines framed for allocation. The Tribunal had also taken note of the fact that the petitioner was to retire from service on 31.03.2001. As a consequence of the order of the State Administrative Tribunal, the allocation of the petitioner to the State of Chhattisgarh stood quashed and for all practical purposes it will be presumed that the petitioner remained allocated to the State of Madhya Pradesh. It has

also to be presumed that the petitioner stood retired from the service of the State of Madhya Pradesh irrespective of the fact that during the intervening period the petitioner had worked in the State of Chhattisgarh. Moreover, the petitioner having filed a writ petition challenging the allocation order and all subsequent facts have not been brought to the notice of this Court in the present writ petition also. Even otherwise, once when the order of the State Administrative Tribunal dated 06.02.2001 has attained finality, this Court does not find the impugned order Annexure P-1 passed by the State of Chhattisgarh to be in any manner illegal. Thus, the relief sought for by the petitioner cannot be acceded to by the State of Chhattisgarh. If the petitioner has still not been released the retiral and pensionary benefits, the petitioner would be at liberty to seek appropriate remedy from the State of Madhya Pradesh.

6. The petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE