

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.1296 of 2010**

Bodhan Singh Thakur S/o late Shri Banmali Singh Thakur, aged about 66 years, retired Headmaster (Education Department) R/o Phooljharia para Tahlil Sarangarh, Distt. Raigarh (CG).

----Petitioner**Versus**

1. State of Chhattisgarh Through the Secretary, School Education Department, DKS Bhawan Raipur (CG).
2. The Secretary, High Power Retiral Dues Redresser Committee, Finance Department, DKS Bhawan, Mantralaya, Raipur (CG).
3. The Joint Director, Teasuries, Accounts and Pension, Bilaspur Division Bilaspur (CG).
4. The District Treasury Officer, Distt. Raigarh (CG).
5. The District Education Officer, Distt. Raigarh (CG).
6. The Block Development Education Officer, Tahsil Sarangarh, Distt. Raigarh (CG).

---- Respondents

For Petitioner	:	None.
For respondent-State	:	Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.03.2018.**

1. The present writ petition has been filed seeking quashment of order dated 09.09.2009 (Annexure P/1) passed by the High Power Committee constituted for redressal of pensionary claims of the government employees. Relief was also sought that the respondents may fix the basic pay of the petitioner at Rs.9000/-while quantifying the pension and that the respondents should pay interest @ 12 percent from the date the arrears fell due.
2. At this juncture it would be relevant to take note of the fact that vide the impugned order all that the Committee has held is that, the claim

of the petitioner stood already adjudicated in his favour in WPS No. 5364 of 2006 on 28.03.2008, therefore the Committee did not further process the petitioner's claim.

3. At the same time, it would also be relevant to refer the operative part of the order passed in WPS No.5364 of 2006, which reads as under :

“15. In view of the foregoing and as admitted by learned counsel appearing for both the parties, this petition is disposed of in terms of the order passed in the case of Vidyadhar Tiwari (Supra) i.e. the impugned order dated 31.07.2006 and 24.04.2006/24.05.2006 (Annexure P/1 and P/2) are hereby quashed. The petitioner is entitled to full pensionary benefits/gratuity amount without any deduction. However, the respondents may take recourse to Rule 65 of the Rules, 1976, if so advised, in accordance with law and basic principles of natural justice. No order asto costs.”

4. In the light of the order passed in WPS No.5364 of 2006, which is also accepted by the committee in its impugned order, so also has been accepted by the State Government in their reply in paragraph 7 wherein they have admitted the fact that since the petitioner was drawing salary of Rs.9000/-, his pension post retirement would be fixed in accordance with last salary drawn by the petitioner. Thus, this court is of the opinion that nothing further remains to be adjudicated upon.
5. The petition is accordingly disposed of and it is directed that the respondents shall ensure that the petitioner's pensionary benefit are settled in accordance with the order dated 28.03.2008 passed in WPS No.5364 of 2006. It is further directed that if the same has not

been complied with, it should be complied with forthwith within a period of 60 days and while quantifying the arrears, if any, payable to the petitioner, he shall also be entitled for interest @ 10 percent per annum. The said interest amount shall be recovered from the erring officials who have deliberately not processed the case of the petitioner. If the said order is already complied with, no any further action is required.

6. Since this petition is being disposed of in the absence of petitioner, he shall be at liberty to make an appropriate application/petition, in case if the grievance still survives.
7. The Registry is also directed to send a copy of this order to the respondents for necessary compliance.

Sd/-
(P.Sam Koshy)
Judge

inder