

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2661 of 2018

V.N. Shukla S/o S/o Shri Late Mahadev Shukla Aged About 63 Years R/o B 128,akriti Vihar, Near Moon Beauty Parlour, Amlidih Road, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh Rajya Beej Evam Krishi Vikas Nigam Limited, Through Its Chairman Head Office, Beej Bhawan Ravigram Telibandha, G.E. Road, Raipur, Chhattisgarh.
2. Managing Director, Chhattisgarh Rajya Beej Evam Krishi Vikas Nigam Limited, Head Office, Beej Bhawan Ravigram, Telibandha, G.E. Road, Raipur, Chhattisgarh.

---- Respondents

For petitioner	:	Shri Chandresh Shrivastava, Advocate.
For Respondents	:	Shri Vivek Kumar Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2018

1. The limited grievance of the petitioner is that subsequent to his retirement, his services was again taken by the respondents on contractual basis and an agreement was entered into between the parties which is Annexure P/5 wherein it was agreed that the petitioner shall be paid the salary that he was drawing prior to his retirement minus pension he is getting. However, the respondents subsequently though have extracted work from the petitioner, but have not paid full salary from 14.10.2016 to 13.10.2017 i.e. for one year.
2. The counsel for the petitioner submits that in spite of having worked for the entire one year period, the respondents have paid less salary than that was agreed upon. The grievance of the petitioner is that the petitioner would had been entitled for the actual salary that he was

drawing on the date of his retirement less the pension, but the respondents have not calculated the salary properly while granting emoluments to the petitioner. This reduced payment of salary to the petitioner was detected in the audit report and subsequently the department has accepted the erroneous grant of the emolument to the petitioner.

3. Given the facts and circumstances of the case, this court is of the opinion that ends of justice would meet if this petition is disposed of with a direction to the respondent No.2 to ensure that the wages which was payable to the petitioner for his contractual engagement be calculated in terms of the agreement which has been entered into between the parties. While calculating the same, the last wage which the petitioner had drawn on the date of his retirement shall be taken into account.
4. With the aforesaid observation, the writ petition stands disposed of. It is expected that the respondent No.2 shall redress the grievance of the petitioner within a period of 60 days from the date of receipt of certified copy of this order.

Sd/-
(P.Sam Koshy)
Judge