

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3064 of 2018**

B.R. Soan S/o Late Nanhe Lal Soan Aged About 67 Years Retired Assistant Office Superintendent Office Of Integrated Women And Child Development Project Masturi District Bilaspur Chhattisgarh, R/o Katiyapara Durga Chowk Juna Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Women And Child Development Department Mahanadi Bhawan Mantralaya Naya Raipur District Raipur Chhattisgarh.
2. Secretary, General Administrative Department, (Pension Redressal Committee) Mahanadi Bhawan Mantralaya Naya Raipur District Raipur Chhattisgarh.
3. Director, (Women And Child Development Department) Indrawati Bhawan Naya Raipur District Raipur Chhattisgarh.
4. Collector (Women And Child Development Department) Bilaspur District Bilaspur Chhattisgarh.
5. District Programme Officer, Women And Child Development Department Bilaspur District Bilaspur Chhattisgarh.
6. Project Officer, Integrated Child Development Project, Masturi District Bilaspur Chhattisgarh.
7. Director, Directorate Of Treasury, Account And Pension, Raipur District Raipur Chhattisgarh.
8. Accountant General Raipur, District Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. C.J.K. Rao, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/07/2018**

1. The order under challenge is Annexure P/1, which is an order dated 21.03.2018, passed by the High Power Committee constituted by the State Government to decide the dispute pertaining to the retiral dues/pensionary benefits to the retired employees.
2. The impugned order shows that the committee constituted by the State Government has ordered for withholding of the gratuity payable to the

petitioner in the light of the order passed by the Collector, Bilaspur dated 06.06.2017.

3. It is pertinent to note that the order of the Collector (Annexure P/2) dated 06.06.2017 has already been set-aside/quashed by this High Court in WPS No. No.6676/2017 decided on 17.01.2018.
4. In the light of the order of the Collector itself being not in existence or having being set-aside by the High Court, the committee could not have passed an order withholding of gratuity and retiral benefits in the teeth of the order dated 06.06.2017, which already has been set-aside/quashed by the High Court.
5. Even otherwise, the committee is not conferred with the power of withholding of the gratuity and other retiral dues payable to an employee. The committee has been constituted only to redress the grievances pertaining to payment of retiral dues without any authority for passing an order of withholding of gratuity or any other retiral dues.
6. In the instant case, withholding of gratuity could have been done only under the provisions of Rule 9(i) of the Chhattisgarh Pension Rules, 1976. The impugned order (Annexure P/1) dated 21.03.2018 on the said ground itself is not sustainable and the same deserves to be and is accordingly quashed with consequences to follow, reserving the right of the respondents to initiate appropriate proceedings in accordance with law..
7. With the aforesaid observations, the writ petition stands allowed.

Sd/-
(P. Sam Koshy)
Judge