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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5190 of 2018**

Smt. Charulata Bar W/o Late Bijay Chandra Bar, Aged About 58
Years, R/o Dondilohara, District Balod, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Its Secretary, Manpower And Planning Department, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Director, Employment And Training Women Polytechnic Campus, Bairan Bazaar, Raipur, Chhattisgarh
3. Principal, Government Industrial Training Institute, Dondilohara, District Balod, Chhattisgarh
4. Accountant General Chhattisgarh, Office Of Accountant General, Zero Point Balodabazar Road, New Raipur, District Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate
For Respondent no.4	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.08.2018**

The only grievance which the petitioner has raised in the present writ petition is that the husband of the petitioner had died in harness after 7th pay commission had been brought into force which was from 01.01.2016 and the date of death of the employee was 16.06.2016, the petitioner would be entitled for the pension and pensionary benefits on the revised

pay scale including the death – cum - retiral benefits.

2. Considering the limited grievance which the petitioner is claiming, this Court does not intend to keep the writ petition pending rather ends of justice would serve if a direction is given to respondents 2 to 4 to take a prompt decision on the claim of the petitioner for grant of death cum retiral and pensionary benefits on the revised pay scale applicable upon the husband of the petitioner. Meanwhile, the respondents shall also consider whether similarly placed persons or junior to the husband of the petitioner have also been granted the benefit of 2nd higher pay scale on continuous serving on a post for a period of 20 years.

3. Accordingly, the present writ petition stands disposed of with a direction to respondents 2 to 4 to consider whether the husband of the petitioner was entitled for 2nd higher pay scale and also to consider granting benefits of 7th pay commission w.e.f. 01.01.2016 and the death-cum-retiral dues and pensionary benefits also be calculated on the revised pay scale. Needless to hold that the petitioner would be entitled for all consequential monetary benefits if she is found entitled for all the claims she has made. Respondents shall also consider whether any other dues payable to the petitioner has been released till date or not. Let this exercise be completed within a period of 90 days from the date of receipt of certified copy of this order.

**Sd/-
P. Sam Koshy
Judge**