

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 4911 of 2018**

Rajnarayan Gahirwar S/o Late Bhaira Gahirwar, aged about 63 years, retired Principal, R/o Patpariya, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh
3. Commissioner, Tribal Welfare, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/08/2018**

Counsel for the petitioner submits that the limited grievance of the petitioner is that the petitioner's pension has not been properly fixed in as much as the salary of Principal Grade-II which he would have been entitled for had he not been placed under suspension has not been granted and as a result the pension has been fixed at a lower rate. He further submits that identically placed person like T. P. Prajapati who was also initially not granted such benefit but at the intervention of the High Court in WPS No.

1944/2015 decided on 16.07.2015 the benefit has been granted to Shri T. P. Prajapati. The petitioner prays for similar relief on parity. He submits that the petitioner has already made a representation to respondent no.1 in this regard and the same is still pending without a decision and wants for a direction to respondent no.1 to take a decision on the same.

2. State counsel does not oppose the prayer made by the counsel for the petitioner.

3. Accordingly, the present writ petition stands disposed of with a direction to respondent no.1 to consider the representation of the petitioner which is pending and while considering, the authorities would also take note of the order passed by this Court in WPS No. 1944/2015 decided on 16.07.2015 as also WPS No. 7224/2008 decided on 08.03.2013. If the case of the petitioner is identically placed, this Court does not see any reason why the authority should not grant similar benefit to the petitioner. Accordingly, it is directed that respondent no.1 shall take a decision on the pending representation of the petitioner within a period of 90 days from the date of service of the order passed by this Court. It shall be the responsibility of the petitioner to apprise respondent no.1 so far as the order passed by this court is concerned.

**Sd/-
(P. Sam Koshy)
JUDGE**