

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7082 of 2018**

Darshu Prasad Manhar S/o Late Naznkiram Manhar, Aged About 65 Years Retd. Lecturer, Govt. Higher Secondary School, Sara, Block Office Baikunthpur, District Korea Chhattisgarh R/o Kutrabod, P.O. Bhadra, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Director, Public Instructions, Raipur, District Raipur Chhattisgarh
3. The Accountant General, Government Of Chhattisgarh, Zero Point, Balodabazar Road, Raipur Chhattisgarh
4. The District Education Officer, District Korea Chhattisgarh
5. Principal, Govt. Higher Secondary School, Sara, Block Office Baikunthpur, District Korea Chhattisgarh
6. The Block Education Officer, Baikunthpur, District Korea Chhattisgarh.
7. The Joint Director, Treasury, Accounts And Pension, Bilaspur Division, Bilaspur Chhattisgarh
8. The President, Retiral Dues Committee, Office Of Accountant General, Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Shashi Kumar Kushwaha, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer
For Respondent No.3	:	Mr. Ashwini Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/10/2018**

1. The grievance, which the petitioner has raised is that his provident fund dues have not been settled by the respondent authorities inspite of the fact that the petitioner has crossed the age of superannuation w.e.f. 31.03.2015. The petitioner retired from the post of Lecturer, Higher Secondary School, Sara, Block Baikunthpur, District Korea.

2. Given the nature of dispute and the fact that it is only a dispute in respect of the claim under the GPF amount, this Court is of the opinion that it is a fit case where the matter can be sent to the committee constituted by the State Government for redressal of the payment of retiral dues to a government employee.
3. This Court in the matter of W.P. No. 4642/2004 (Bajinath Mandal v. The State of Chhattisgarh & Others) and other connected matters directed the Committee to consider the matter of retiral dues as the disputed question of facts were involved. The Committee was constituted by the State Government, pursuant to the order dated 19.06.2006 passed in W.P. No.1961/2006 (Smt. Keja Bai Chandrakar v. State Government and Others) and order dated 13.03.2008 passed in M.C.C. No. 105 of 2008 (State of Chhattisgarh & Others v. Bajinath Mandal and another) . Thus, this petition is squarely covered by the judgment and order dated 31.01.2008 passed in W.P. No. 4642/2004 Bajinath Mandal (supra) as submitted by learned counsel appearing for the parties.
4. This petition is accordingly disposed of in the same terms i.e. the Office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of copy of the petition from the petitioner and this order. The Committee shall consider and pass a reasoned order within a further period of three months, in accordance with law, after affording proper opportunity of hearing to the parties. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including retiral dues of the employee and other pensionary benefits, if any, to the petitioner be

completed within a period of three months from the date of receipt of copy of this order.

5. The petitioner shall supply extra copy of the petition to the learned counsel appearing for the State / respondents for forwarding the same to the Committee.
6. Learned counsel for the petitioner would submit that liberty may be reserved in favour of the petitioner to move a fresh writ petition if the decision made by the Committee on any of the claim including claim for interest is decided against the petitioner.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved