

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 100 of 2019

Rajendra Singh Thakur S/o Late Shri Shital Singh Thakur, Aged About 80 Years, Retd. Headmaster, Government Middle School, Ranjana Block Katghora, District Korba, Chhattisgarh, R/o Utarda (Dhourabhatha), P.O. Utarda Via Hardi Bazar, District Korba Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mahanadi Bhawan Mantralaya, New Raipur, District - Raipur, Chhattisgarh.
2. Director, Public Instructions, Raipur District Raipur, Chhattisgarh.
3. Joint Director Treasury, Account And Pension, Korba, District Korba, Chhattisgarh.
4. District Education Officer, Korba, District Korba, Chhattisgarh.
5. Block Education Officer, Katghora, District Korba, Chhattisgarh.

---Respondents

For petitioner	:	Shri K.S.Pawar and Ms. Preeti Yadav, Advocates.
For State	:	Shri Salim Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2019

1. Present is the second round of litigation.
2. The first round of litigation was by way of WPS No. 1462/2012 which got disposed off on 02/04/2012.
3. While disposing off the said Writ Petition, this Court has made the following observations:-

“Learned counsel appearing for the petitioner submits
that the petitioner is entitled to second Kramonnati as per the

circular dated 3.10.2008 and 11.1.2010 (Annexure P-2 & P-3) after completion of 24 years of service. Learned counsel further submits that the issue involved in the present petition has already been considered and decided by this Court in R.S. Verma v. State of Chhattisgarh & Ors. [WP No. 2805 of 2002 d/on 29.8.2006]. Learned counsel also submits that the petitioner may be granted liberty to make a representation to consider the case of the petitioner in the light of the decision of the Supreme Court rendered in State of Tripura and Ors. v. K.K.Roy [2004 AIR SCW 1] and the order passed by this Court in R.S.Verma (Supra), to which learned counsel appearing for the State has no objection.

Accordingly, liberty sought for by the petitioner is granted to make a representation before the concerned authority.”

4. Subsequent to the disposal of the aforesaid Writ Petition, the petitioner is said to have made his representation and thereafter Annexure-P/2 and P/4 are certain correspondences which appears to have been made between the offices under the respondents. It reveals that the respondent/State has till date not taken final decision so far as the claim of the petitioner is concerned. The petitioner as on date reflects to be 80 years of age.
5. The dispute revolves around granting of the benefit of second kramonnati which the petitioner was entitled for while in service.
6. The matter only needs verification from the records whether it has been paid to the petitioner or not and whether the petitioner was entitled in

accordance with rules. Six years is a very long time for the State to take a decision.

7. Though, the petitioner has in the past approached this Court and was permitted to approach the authorities, the authorities concerned having acknowledged receipt of the order of this Court were suppose to take a decision at the earliest. They could not have ignored the claim of the petitioner only on the ground that the petitioner has retired.

8. In the give facts, this Court is of the opinion that, let the respondents No.2 & 4 take a decision so far as the entitlement of the petitioner is concerned and on due scrutiny of the same, if the petitioner is entitled for any relief, the same shall be given to the petitioner at the earliest considering the age of the petitioner.

9. It is expected that, the respondents No. 2 & 4 shall take all necessary steps for taking decision in the case of the petitioner within a period of 4 months from the date of receipt of copy of this order.

10. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit