

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2240 of 2019

Shanti Lal Yadav S/o Late Shri Devi Prasad Yadav Aged About 64 Years
Retired Veterinary Field Officer (Class -3employee) R/o Near Old Bus
Stand, Devi Kunj, Janjgir Tahsil Janjgir, District Janjgir Champa
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. The Secretary, Animal Husbandary Department (Pashu Dhan Vikash Vibhag), Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Development Commissioner Indrawati Bhawan (Ground Floor) New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Director Animal Husbandary, (Pashu Dhan Vikash Vibhag), Bhutal- 3, Indrawati Bhawan, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. The Deputy Director Animal Husbandary Veterinary Department,(Pashu Dhan Vikash Vibhag) District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. The The Joint Director Animal Husbandary Department, (Pashu Dhan Vikash Vibhag), District Jajngir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Badruddin Khan, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/04/2019

1. The present writ petition has been filed raising various claims, first being that the petitioner has not been paid the Time Scale Pay since 2006, he has claimed for the same with arrears. Second is that the petitioner has not been provided the benefit of revision of pay as recommended by the 7th pay commission w.e.f. 01.01.2016, and thirdly being that the respondents have not released the entire provident fund dues payable to the petitioner and also the balance of 10% of the pension that was payable to him.

2. So far as the Time Scale Pay is concerned, this Court would hold that the said claim of the petitioner is not sustainable for the reason that the present is a second round of litigation. The petitioner if at all was deprived of any claim it ought to have been raised at the first available chance when he had filed the first writ petition vide WPS No. 4424/2018, which got disposed of on 30.04.2017. The petitioner cannot be permitted to file repeated writ petitions in respect of this claim.
3. So far as the other claims are concerned, like releasing 10% of the retained pension and also releasing of balance of 10% of the GPF amount if not paid, is concerned, the same were withheld on account of a departmental enquiry pending against the petitioner. The documents enclosed with the writ petition show that the departmental enquiry has since been completed and he has been exonerated of all the charges leveled against the petitioner vide order dated 01.03.2019.
4. Given the facts that the departmental enquiry stands vitiated in favour of the petitioner, this Court is of the opinion that there should not be any further hurdle for the respondents to finalize the retiral dues payable to the petitioner, particularly the GPF and pension, which has been retained by the Department.
5. So far as the benefit of 7th pay commission is concerned, this again is a matter which does not need any adjudication once when it is established that the petitioner has retired after coming into force of the 7th pay commission that was 01.01.2016, the petitioner was bound to get all the benefits of 7th pay commission also and the respondents therefore are hereby directed to ensure that the benefit of 7th pay commission be extended to the petitioner unless the rule do not permit and his retiral dues

also has to be calculated on the basis of the revised pay-scale that he would get as per the 7th pay commission.

6. The respondents are directed to immediately process the claim of the petitioner in this regard and settle the same within an outer limit of 4 months. So far as the Time Scale Pay is concerned, it would be left for the Department to consider on the administrative side whether the petitioner was entitled for the same or not.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved