

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2823 of 2019

Sukhlal Darro S/o Late Gadaram Darro Aged About 58 Years Forest Range Narangi, Forest Division South Kondagaon, District Kondagaon, Chhattisgarh R/o Kondagaon South Kondagaon, District Kondagaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, (Forest), Mahanadi Bhawan, Mantralya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Under Secretary Forest Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
3. Collector Kondagaon, District Kondagaon Chhattisgarh.
4. Conservator Of Forest Chhattisgarh, Raipur, District Raipur Chhattisgarh.
5. Divisional Forest Officer South Kondagaon, Forest Division Kondagaon, District Kondagaon Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Ms. Shriya Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/04/2019

1. The limited grievance which the petitioner has raised in the present writ petition is for an appropriate direction to the respondents to consider the claim of the petitioner for grant of monetary as well as other consequential benefits for the intervening period between 12.09.2017 to 17.10.2018.
2. The facts of the case is that the petitioner while working on the post of Forest Ranger was issued with an order dated 12.09.2017 placing him under compulsory retirement with immediate effect. Subsequently, the petitioner at the instance of the State Government had made a representation/ objection before the High Power Committee constituted by the State Government to reconsider the orders of compulsory retirement issued by the State Government.

3. The committee finally vide its order dated 17.10.2018 accepted the contentions, which the petitioner had raised and found that the orders of compulsory retirement was bad in law and was contrary to the guidelines framed by the State Government required for placing an employee under compulsory retirement.
4. The petitioner submits that though he has been reinstated in service after the order of the committee, but he has not been granted the actual monetary benefits and consequential benefits which the petitioner would have received had he not been placed under compulsory retirement.
5. Given the said nature of dispute that the petitioner has raised and the fact that the Department has till date not finally decided the claim of the petitioner, let the petitioner make a fresh representation in addition to Annexure P/7 that he has already made, and the respondent No.1 in turn shall consider the representation of the petitioner in accordance with the merits and the contents of the said representation and pass a speaking order deciding the entitlement of the petitioner at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
6. While deciding the same, the respondents shall take into consideration the decision rendered by the Division Bench of this Court in WA No. 533/2017 and other analogous writ appeals decided on 04.10.2018.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge