

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.4936 OF 2019**

1. Ramkumar Swarnkar S/o Late Shri Ramshesh Swarnkar Aged About 63 Years R/o Gayatri Kunj, Annapurna, Vihar, Ganesh Nagar, Bilaspur District Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. District Education Officer Bilaspur, District Bilaspur Chhattisgarh.
3. Accountant General Treasury Account And Pension Zero Point Baloda Bazar Road, Raipur Chhattisgarh.
4. Joint Director Treasury, Account And Pension, Bilaspur, Division Bilaspur, District Bilaspur Chhattisgarh.
5. Block Education Officer Bilaspur, District Bilaspur Chhattisgarh.
6. The President Retiral Dues Committee, Office Of Accountant General, Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri KS Pawar and Shri Shashi Kushwaha, Advocates.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.
For Respondent No.3	:	Shri Ashwani Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.07.2019**

1. Learned counsel appearing for the parties submit that the issue involved and the relief claimed in the present writ petition are required to be considered by the Pension Committee.
2. This Court, in W.P.No.4642/2004 (*Bajinath Mandal Vs. The State of Chhattisgarh & others*) and other connected matters, directed the Committee to consider the matter of retrial 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 Vs. State Government of Chhattisgarh and others*), and order dated 13-3-2008 passed in M.C.C. No. 105 of 2008 (*State of Chhattisgarh and others Vs. Bajinath Mandal and*

another). Thus, this petition is squarely covered by the judgment and order dated 31st January, 2008 passed in W.P.No.4642/2004 [(Baijnath Mandal (supra))] as submitted by learned counsel appearing for the parties.

3. 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 a copy of this order. Thereafter, the Committee shall issue notice to the petitioner and officers concerned within a further period of 15 days. The Committee shall consider and pass order, in accordance with law, after affording proper opportunity of hearing to the petitioner. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including payment of retiral dues, if any, to the petitioner, be completed within a period of six months from the date of receipt of a copy of this order.
4. The petitioner shall supply one complete set of the petition to the State counsel as well as counsel for the Accountant General for transferring the same to the Committee.
5. 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.
6. Liberty as prayed for is granted.
7. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge