

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 785 of 2019**

Smt. Charulata Bar W/o Late Bijay Chandra Bar Aged About 58 Years R/o Daundi Lohara, District- Balod, Chhattisgarh.

---- Petitioner**Versus**

1. Mr. Vivek Acharya Director, Employment And Training Women Polytechnic Campus Baron Mazar Raipur, Chhattisgarh.
2. Smt. P. Edepache Principal Govt. Industrial Training Institute Daundi Lohara, District- Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shikhar Bakhtiyar, Advocate
For Respondents	:	Mr. Uttam Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/11/2019**

1. The respondents on entering appearance before this Court have filed a detailed reply and the respondents have accepted the fact that the petitioner was entitled for the retiral dues and also the pensionary benefits. In the reply the respondents have also made a statement that the retiral dues have been calculated and ordered to be released to the petitioner. The only dispute that the petitioner now raises is that all the retiral dues that have been calculated including the pensionary benefits was on the basis of the pre-revised payscale that the deceased employee had received and that since the date of death of the employee was subsequent to the coming into force of the 7th pay commission recommendation that was w.e.f. 01.01.2016, the retiral dues and the pensionary benefits ought to had been calculated as per the revised payscale.
2. Mr. Uttam Pandey, the learned counsel appearing for the respondents submits that once when the entitlement stands decided, the question

whether he has been paid the benefits as per the pre-revised rate or under the revised rate has only to be verified. In the event, if the payments have been made as per the pre-revised rate, then the arrears of pay as per the revised rate shall be paid to him at the earliest after due verification of the fact.

3. Giving the said submission of the learned counsel for the respondents, this Court is of the opinion that nothing further remains in the present contempt petition to be proceeded further. The respondents are directed to verify the payments made to the petitioner to the extent whether the retiral dues including the pensionary benefits has been paid as per the revised rate or under the pre-revised rate and if it is under the pre-revised rate, the petitioner be paid the balance as per the revised rate at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
4. Expecting the respondents to honour the commitment made before this Court within the stipulated period, the present contempt stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved