

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6719 of 2011**

Swarajaya Prasad Satpathy, Aged about 65 years, S/o. Late Shri Jaydev Satpathy, Retd. Assistant Mining Officer, R/o. C-317, Shailendra Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: the Secretary, Department of Mines and Minerals, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate of Mining and Geology, Chhattisgarh, Sonakhan Bhawan, Telibandha, Ring Road, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	None
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/02/2020**

1. The present writ petition was filed claiming for the following reliefs:

“10.1. Issue a writ in the nature of certiorari quashing the impugned order dated 02.11.2010 (Annexure P/1) issued by the respondent No.2 by which the petitioner has not been granted the annual increments.

10.2. Issue a direction to the respondents to sanction and grant the annual increments to the petitioners and accordingly his pension case may kindly be revised.”

2. The respondents have subsequently entered appearance and have filed their reply and in the reply, the respondents have taken the specific stand:

“2. The answering respondents most humbly and respectfully submit that, as regards relief clause (i) & (ii) it is stated that, the answering respondents have already granted annual increments to the petitioner as per recommendation of Bramha Swaroop Committee and the same would be evident from Annexure P/1 filed by the petitioner himself and a bare perusal of the same would reveal that petitioner has already been granted annual increment and on the date of his retirement i.e. on 01.07.2007 his pay scale was Rs.13,990-4300/- = Rs.18,290/- and accordingly his revised pension was

also fixed as per Bramha Swaroop Committee recommendation.

3. It is furthermore submitted that, the office of Divisional Joint Director, Treasury, Accounts and Pension, Raipur vide order dated 29.02.2012 has issued revised pension order in respect of the petitioner and as per which the gratuity amount of the petitioner has also been increased to Rs.2,88,068/- out of which the petitioner has already received an amount of Rs.2,16,382/- and the balance amount of gratuity Rs.71,686/- shall also be paid to the petitioner. Similarly, earlier the petitioner was getting a pension of Rs.5,040/- and after grant of increment as per recommendation of Bramha Swaroop Committee the same has been increased to Rs. 8,730/- and to substantiate the above fact the answering respondents are annexing copy of revised pension order dated 29.02.2012 as Annexure R/1 for kind perusal of the Hon'ble Court.

4. Furthermore, the answering respondents have also addressed a letter to the Sr. Treasury Officer, District Treasury Raipur on 12.03.2012, a copy of which is being marked and enclosed herewith as Annexure R/2, wherein it has been categorically mentioned that no recovery is to be made from the petitioner and the amount of gratuity increased due to revision of pension would be paid to the petitioner after adjusting the amount of Rs.2,16,382/- which the petitioner has already received."

3. In view of the reply submitted by the respondents, it appears that the grievance of the petitioner seems to be redressed and the petitioner has also been paid all his dues as was to be calculated in terms of the recommendation made by the '*Bramha Swaroop Committee*'.
4. Accordingly, the writ petition stands disposed of reserving the right of the petitioner to move an appropriate application, in the event if the grievance of the petitioner still survives.

Sd/-
(P. Sam Koshy)
Judge

Ved