

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2613 of 2020**

- Vinod Kumar Kesharwani S/o Late Janak Ram Kesharwani Aged About 68 Years Retired Research Officer, R/o A-10, Rajashwa Colony Sarkanda, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Scheduled Castes And Scheduled Tribe Department Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. The Commissioner Department Of Scheduled Castes And Scheduled Tribe Department Raipur, District- Raipur, Chhattisgarh
3. The Joint Director Treasury Account And Pension, Division Raipur, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Hemant Kesharwani, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****10/07/2020**

1. The grievance of the petitioner in the present petition is for grant of benefit of one annual increment while fixing pension and other retiral dues payable to the petitioner.
2. According to the learned counsel for the petitioner, the petitioner retired from service on 30.06.2012. Since the petitioner retired from service w.e.f. 30.06.2012, he would be entitled for the annual increment that would be payable to him for the period between 1st of June, 2011 to 30th of June, 2012 as the date of annual increment payable to the petitioner is first of July. Therefore, according to the counsel for the petitioner, while quantifying pension and other retiral dues, the annual increment which the petitioner became

entitled for having worked till 30.06.2012 has to be added to the last pay and other allowances also.

3. State counsel has no objection.
4. Given the said facts and circumstances of the case, the petitioner since has made a representation before the respondent No.2. Let the petitioner make afresh representation before respondent No.2 and on such representation being filed, the respondent 2 shall consider the case of the petitioner for grant of one annual increment to the last salary which the petitioner has received for the purpose of quantifying pension and other retiral dues. While deciding the claim of the petitioner, the respondents shall take into consideration the judgment of the Division Bench of Madras High Court in the case of *P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal* decided on 15.09.2017 in W.P.No.15732 of 2017. The petitioner shall attach the necessary documents i.e. the copy of the order passed by this Court as well as by the Division Bench of the Madras High Court and also shall be at liberty to file the documents along with the representation to apprise the authority if the similarly placed persons have been granted the benefit of like nature and the respondents thereafter shall consider the case of the petitioner after verification of facts and shall decide the same accordingly.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu