

**HIGH COURT OF CHHATTISGARH, BILASPUR****CONT No. 588 of 2020**

- Manrakhan Lal Sahu S/o Late Shri Gourishankar Sahu Aged About 66 Years R/o Village And Post Hardikala (Tona), Police Station Sirgitti, District Bilaspur, Chhattisgarh

**---- Petitioner****Versus**

1. Mr. Alok Shukla Secretary, School Education Department, Mahanadi Bhavan, Atal Nagar, Police Station Rakhi, District Raipur, Chhattisgarh
2. Mr. Dinesh Rathore Joint Director, Department Of Account, Treasury, Pension, Bilaspur, District Bilaspur, Chhattisgarh
3. Mr. G.P. Bharadwaj District Education Officer, Mungeli, District Mungeli, Chhattisgarh
4. Mr. U. L. Jaiswal Block Education Officer, Pathariya, Block Pathariya, District Mungeli, Chhattisgarh

**---- Respondents**


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For Petitioner/s : Mr. Vivek Kumar Agrawal, Advocate.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****06/08/2020**

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 19.01.2017 passed by this Court in WPS No.313 of 2017.
2. Learned counsel for the petitioner submits that when the pension of the petitioner and other retiral dues like provident fund, gratuity amount were not being finalized, a direction was issued by this Court for consideration to the Pension Committee. The Pension Committee passed the order, but as the State Government had not taken any decision with regard to period of absence, till date, no decision has been taken in the case of the petitioner. He would submit that till date, for want of appropriate decision with regard to 13 years of alleged absence, many dues of the petitioner had remain unpaid and in this manner, the order of this Court has not been complied with in its true spirit.
3. Though, it appears that entire dues of the petitioner have not so far

settled, in the opinion of this Court, present is not a case of contempt. Vide order dated 19.01.2017, writ petition was disposed off with a direction to the Pension Committee. There was no specific direction for decision of period of absence within any particular period. It appears that the Pension Committee has decided the pension case of the petitioner one way.

The main operative reason for non finalization of pension case including final settlement of provident fund, gratuity etc. appears to be on account of non decision of the so-called 13 years of absence. This decision was required to be taken by the State Government in the Department of School Education. The order was passed by the Pension Committee way back on 14.03.2019. Till now, the Government has not decided as to what treatment is to be given to the so-called 13 years of absence.

4. Therefore, even though the State appears to be guilty of inaction insofar as decision with regard to 13 years period of absence is concerned, it could not be said to be matter of contempt.

Nevertheless, considering that the petitioner is a retired employee and many of his dues are still remained pending, let the School Education Department, Government of C.G. pass appropriate order with regard to treatment to be given to the period of absence of 13 years within 60 days from the date of receipt of copy of the order which is now being passed. Within next 30 days, the pension case of the petitioner including other claims like provident fund, gratuity etc. shall also be decided. In this manner, within an outer limit of 3 months, entire exercise shall be completed. Whatever amount is found due and payable to the petitioner as a result of exercise, referred to above, shall be paid to the petitioner forthwith.

5. Contempt petition is accordingly disposed off.

**Sd/-**

**(Manindra Mohan Shrivastava)**  
**Judge**