

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2864 of 2020**

- Ramakant Gupta S/o Late Dattu Lal Gupta Aged About 71 Years R/o Shesh Dipu Para, Behind Durga Mandir, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department of School Education Ministry At Mahanadi Bhawan, New Raipur Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. State of Chhattisgarh Through Its Secretary, Department of Finance, Ministry At Mahanadi Bhawan, New Raipur Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Accountant General Zero Point, Baloda Bazar Road, P.O. Vidhan Sabha Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Joint Director (Treasury, Account And Pension) Surguja Division, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. District Education Officer Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Jai Prakash Shukla, Advocate
For State	:	Mr. Vikram Sharma, Dy.G.A.
For respondent No.3	:	Mr. R.K Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

21.07.2020

1. The grievance of the petitioner in the present writ petition is the non-granting of the benefit of one annual increment while fixing pension and other retiral dues payable to the petitioner.
2. According to the petitioner, he retired from service on 30th of June, 2010. Since he has retired from service w.e.f. 30.06.2010, he would be entitled for the annual increment that would be payable to him for the period between 1st of June, 2009 to 30th of June, 2010 as the date of annual increment payable to the petitioner is 1st 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 30th June, 2010 has to be added to the last pay and other allowances also.
3. Learned State counsel would submit that the State has taken a policy decision by order dated 15-7-2020 wherein it has been decided that the judgment passed by the Division Bench of Madras High Court in the case of P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others decided on 15.09.2017 in W. P.No. 15732 of 2017 shall not be applicable in the facts of the present case.
4. Learned counsel for the petitioner, on such submission, would submit that the State may be directed to decide the representation filed by the petitioner so that the petitioner may get the cause of action.

5. In view of the aforesaid submissions made by the parties, it is directed that the petitioner shall be at liberty to make a fresh representation to the State and on such representation being filed, the State may consider and decide the same in terms of the policy which has been arrived at by the State. It is made clear that the petitioner, if so aggrieved, shall be entitled to challenge the same in future.
4. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Raju