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HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC NO. 247 OF 2021**

1. State of Chhattisgarh, through the Secretary, Government of Chhattisgarh, Health & Family Welfare Department (wrongly mentioned as Medical Education Department), Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur (CG)
2. Director, Directorate of Ayurved Yog Natural Therapy, Unani and Homeopathy (Ayush), D.K.S. Campus, near Shastri Chowk, Raipur, Tahsil and District Raipur (CG)
3. Joint Director, O/o Joint Director, Treasury, Accounts and Pension, Commissioner Office, Bastar Division, Jagdalpur, District Bastar (CG)
4. District Ayurved Officer, O/o District Ayurveda Officer, Jagdalpur, District Bastar (CG)

... Applicants**versus**

- Smt. Gayatri Shukla, W/o Shri K.K. Shukla, aged about 64 years, R/o 24, Sarita Vihar Colony, B Side Gitanjali City, Phase-II, Bahatarai Road, Bilaspur, Police Station Sarkanda, Tahsil and District Bilaspur (CG)

... Non-applicant

For Applicants : Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/06/2021**

1. The present MCC has been filed by Applicants/Respondents seeking for extension of time for compliance of the directions given by this Court vide Order dated 9.12.2020 passed in WPS No.4952/2020.
2. The said Order of this Court was for releasing of the retiral dues which till the date of disposal of the said Writ Petition was not finalized despite the fact that Non-applicant/Petitioner has been superannuated way back with effect from 28.2.2018. This Court had, considering the delay that has occurred in releasing the retiral dues, disposed of the said Writ Petition directing the Applicants/Respondents to immediately take steps so far as granting of pension and gratuity to Non-applicant/Petitioner. The time limit given to the Applicants/Respondents for compliance of the Order of this Court was 120

days *i.e.* four months. However, it appears that the Applicants/Respondents have not complied with the Order of this Court and have now filed the present MCC on 8.4.2021 seeking further time for compliance of the Order.

3. The reason assigned for extension of time by the Applicants seems to be the alleged cancellation of the Appointment Order of Non-applicant/Petitioner way back on 20.11.1986. The said Appointment Order was subsequently challenged before the then State Administrative Tribunal where initially the Non-applicant/Petitioner had got an interim protection so far as cancellation of appointment is concerned. However, subsequently, it appears that the said case before the State Administrative Tribunal got dismissed for want of prosecution on 12.5.1998. In spite of the disposal of the case before the State Administrative Tribunal, the Non-applicant/Petitioner continued to discharge her duties and in due course of time she was allocated to the State of Chhattisgarh and in the State of Chhattisgarh also she was permitted to continue in employment till she crossed the age of superannuation with effect from 28.2.2018. Since the retiral dues were not released to the Non-applicant/Petitioner promptly within a reasonable time, she had preferred a Writ Petition before this Court, being WPS No.4952/2020, which stood disposed of on 9.12.2020 and by efflux of time, the said Order dated 9.12.2020 passed by this Court has attained its finality.

4. This Court, taking into consideration the fact that the Applicants/Respondents had permitted the Non-applicant/Petitioner to retire on crossing the age of superannuation, had directed for releasing of her retiral dues and had granted four months' time to the Applicants/Respondents to comply with the Order. However, till date the said Order of this Court has not been complied with, awaiting some orders from the Madhya Pradesh High Court which again is not a petition which has been preferred by the State Government but seems to be an application being pursued by Non-applicant/Petitioner which has no

relevance so far as the decision on the part of Applicants/Respondents is concerned.

5. Given the said facts, hesitantly, this Court grants further two months' time to Applicants/Respondents for compliance of the Order passed by this Court on 9.12.2020 in WPS No.4952/2020.
6. It is made clear that the order for grant of interest, as ordered by this Court while disposing of the aforesaid Writ Petition, would still be applicable as the Order dated 9.12.2020 was not complied with within the stipulated period.
7. MCC stands allowed and is disposed of accordingly.

**Sd/-
(P. Sam Koshy)
JUDGE**

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