

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3889 of 2021**

Dr. R.K. Upadhyay (Ramesh Upadhyay) S/o Late Shri Mohan Lal Upadhyay Aged About 75 Years R/o Quarter No. L-7, Adarsh Nagar, Durg, District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Higher Education, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. Commissioner, Higher Education, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
3. Principal, Seth R.C.S. Arts And Commerce College, Durg, District- Durg, Chhattisgarh

----Respondent

For Petitioner	:	Mr. Ajay Thakre, Advocate on behalf of Mr. Manish Upadhyay, Advocate
For State	:	Mr. Amit Buxy, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/07/2021**

1. The grievance of the petitioner in the present writ petition seems to be the improper fixation of pension, so far as the petitioner is concerned.
2. From the pleadings of the writ petition itself it is evidently clear that the petitioner was working as a Principal under the respondent No.3 establishment, which is a private institution fully aided by the State Government. The petitioner stood retired from service w.e.f. 30.06.2008. According to the petitioner, on the date when he has retired in the year 2008, it was the 6th pay commission, which the

petitioner was entitled for and was receiving which was implemented w.e.f. 01.01.2006. However, when the fixation of the pension was done, the same has been done on the basis of the recommendations made as per the 5th pay commission and it is this that the petitioner is aggrieved of.

3. The issue involved in the present writ petition already came up for consideration in a bunch of writ petitions, the leading of which being WPS No. 407/2005, which was decided by this Court on 05.03.2019, whereby the bunch writ petitions were all allowed and it was ordered by this Court that the persons who had retired on a particular date, would be entitled for the pension and pensionary benefits as per the payscale that was applicable on the date of retirement, which in the instant case is 30.06.2008. Admittedly, in the year 2008, it was the recommendations of the 6th pay commission which was applicable so far as the salary and the puffs are concerned. In view of the same the pensionary benefits ought to had been in terms of the recommendations made under the 6th pay commission.
4. Given the aforesaid facts and circumstances of the case and also taking note of the judgment passed by this Court in the bunch writ petitions vide its order dated 05.03.2019, the present writ petition also stands disposed of in similar terms and it is ordered that the respondent authorities shall immediately process the claim of the petitioner so far as grant of pension and gratuity as per the revised payscale applicable on the date of retirement i.e. 30.06.2008 which is the recommendations as made under 6th pay commission.

5. Let the respondents take an appropriate decision for revision of the pension and also for all consequential benefits including arrears, if any, at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge