

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4223 of 2021

1. Mithai Lal Dhruw S/o Mahaveer Prasad Dhruw Aged About 63 Years Resident of Budhadev Para, Nagri, Police Station Nagri, District Dhamtari Chhattisgarh. Mobile No. 9926176720

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Government of Chhattisgarh, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Director Lok Shikshan Sanchalnayal Naya Raipur Chhattisgarh.
3. District Education Officer Dhamtari , District Dhamtari Chhattisgarh.
4. Block Education Officer Nagri District Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Mohd. Afroz Athar, Advocate.
For Respondent-State	:	Ms. Akanksha Jain, Dy. Govt Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.08.2021

1. The present writ petition has been filed seeking for the following reliefs :
 - “(i) Direct the respondents to release the pension and retiral dues to the petitioner.
 - (ii) Pass any other order as the Hon'ble court may deem fit and proper.”
2. The relevant facts for the disposal of the present writ petition is that the petitioner in the present case was working as a Lower Grade Teacher since 1983 onwards. In due course of time the services of the petitioner was regularized in the year, 1986. Subsequently the petitioner stood allocated to the State of Chhattisgarh on the creation of new State. In the year 2009 the High Powered Caste Scrutiny Committee (in short, the Committee) constituted in the State of Chhattisgarh ordered for an enquiry so far as the caste status of the petitioner is concerned. The said committee finally vide order dated 17.08.2015 held that the petitioner's caste certificate was not valid and proper and that he has obtained

employment on the basis of an invalid and improper caste certificate. Based on the finding of the Committee, the respondents-State Govt. vide order dated 06.04.2016 terminated the services the services of the petitioner.

3. The order of termination dated 06.04.2016 was subjected to challenge by way of a writ petition vide WPS No.3031 of 2016 and this court vide order dated 20.07.2016 has stayed the order dated 06.04.2016. Pursuant to the interim protection granted by the High Court the petitioner continued in service and crossed the age of superannuation on 31.07.2020. The grievance of the petitioner now is that though he stands retired from service w.e.f. 31.07.2020, till date he has not been released any post retiral benefits including pension.
4. Learned counsel for the State at this juncture submits that since it is a case where the services of the petitioner stands terminated vide order dated 06.04.2016 and the veracity of that termination order is still under test before this court in WPS No.3031 of 2016, the department finds it difficult in processing the retiral dues and pensionary benefits payable to the petitioner. The State counsel further submits that subject to the outcome of the said writ petition (WPS No.3031 of 2016) the claims of the petitioner shall be accordingly settled.
5. Given the aforesaid facts and circumstances of the case, what is clearly culled out is that the relief sought for by the petitioner herein in the present writ petition would be a consequential action on the outcome of WPS No.3031 of 2016 as the said writ petition would decide the fate of the petitioner so far as the order of termination or the termination of service of petitioner is concerned.

6. Given the aforesaid reasons, this court is of the firm view that it would be more appropriate for the petitioner as of now to seek whatever relief that he is seeking for in the present writ petition by making an appropriate application in the pending writ petition (WPS No.3031 of 2016) for the concerned court to consider wherein the order of termination dated 06.04.2016 is already put to test and there also is an order of interim protection granted by the court in the said writ petition.
7. Accordingly, reserving the right of the petitioner to avail appropriate remedies in the said pending writ petition WPS No.3031 of 2016, the present writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder