

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5568 of 2020

1. Rajendra Prasad Sharma, S/o late BR Sharma, aged about 69 years, retired Food Inspector, R/o Duggal Colony, Opposite Chandra Maurya Talkies, Supela, Bhilai District Durg.

---Petitioner(s)

Versus

1. State of Chhattisgarh through the Additional Secretary, Department of Home Affairs (Police), Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Chhattisgarh.
2. Director General of Police, Police Headquarter, Raipur, District Raipur, Chhattisgarh.
3. Superintendent of Police, Durg, District Durg, Chhattisgarh.
4. Joint Director, Treasury, Account and Pension, Durg, District Durg, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Manish Upadhyay, Advocate.
For State	:	Smt. Hameeda Siddique, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.01.2021

1. The present is a third round of litigation. The petitioner is a retired Inspector under the respondents. He stood retired w.e.f. 31.12.2011.
2. The issue involved in the present case is non granting of gallantry allowance which was otherwise payable to the petitioner. The petitioner on an earlier occasion had preferred a writ petition WPS No.6416 of 2018 which came up for hearing on 28.09.2018 and this court directed the respondents to consider the representation of the petitioner and to decide the same. Since there was non compliance of the said order, the petitioner had filed a contempt petition before this court vide Contempt Case No.193 of 2019. When the contempt petition was taken up for hearing on 10.05.2019, learned counsel for the State/respondent authorities i.e. the contemnor in the contempt petition submitted that the State authorities

have already passed an order on 21.12.2018 and where the State authorities have allowed the claim of the petitioner and have held that the petitioner would be entitled for the gallantry allowance payable to him since October, 2010 onwards with periodical revision on the same. The contempt petition in the light of the order of the State authorities dated 21.12.2018 stood disposed of.

3. The present writ petition now has been filed alleging non compliance of the order dated 21.12.2018 inasmuch as though a decision have been taken by the respondents to provide gallantry allowance and to add the same to the pensionary benefits, but till date the order dated 21.12.2018 has not been implemented or acted upon.
4. The State counsel appearing on advance notice submits that it has to be verified whether the petitioner has been granted the benefit or not or whether there is any other discrepancy in not providing the same to the petitioner.
5. Under the said facts and circumstances of the case and also considering the fact that the petitioner is a retired employee, retired in the year, 2011, and he having approached this court on earlier occasions and there being an order in his favour vide Annexure P/1 dated 21.12.2018, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending, rather ends of justice would meet if the writ petition is disposed of at this juncture directing the respondents No.2 to 4 to immediately get the order dated 21.12.2018 implemented, if the same till date has not been implemented, subject to verification.
6. It is made clear that since inspite of an order having been passed as early as on 21.12.2018 and the petitioner till date having been deprived of the benefits of the same, the petitioner would therefore be entitled for interest

on the said amount payable @ 10 percent per annum from the date of retirement till it is actually paid to the petitioner. The interest part should be recovered from the erring officials who have deliberately not implemented the order dated 21.12.2018 promptly without any justified reason.

7. With the aforesaid observations and direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder