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9/6/08

(19)

**HIGH COURT OF CHHATTISGARH: BILASPUR**

**Writ Petition (S) No. 3282 of 2008**

**Petitioner**

Smt. Vijaya Ottalwar W/o. Shri V.C. Ottalwar, aged about 62 years, retired Principal, Lal Bahadur Shastri H.C. School, Bilaspur, R/o. Behind Congress Bhawan, Tilak Nagar, Bilaspur (CG).

**Versus**

**Respondents**

- 1) State of Chhattisgarh through Secretary Department of Local Self Govt. D.K.S. Bhawan, Raipur (CG).
- 2) Municipal Corporation, Bilaspur, through its Commissioner, Bilaspur (CG).
- 3) Commissioner, Municipal Corporation, Bilaspur (CG).

(Writ Petition under Article 226/227 of the Constitution of India)

**SB: Hon'ble Mr. Satish K. Agnihotri, J.**

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**Present:** Shri Indrasen Sahu, counsel for the petitioner.  
Shri Arun Sao, Govt. Advocate for the State.

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**ORAL ORDER**

**(Passed on 30<sup>th</sup> day of June, 2008)**

With consent of learned counsel appearing for the parties, the matter is heard finally.

2) This case pertains to grievance of non-grant of retiral dues.

3) This Court, in the matter of W.P.No.4642/2004 (Baijnath Mandal Vs. The State of Chhattisgarh & others) and other connected matters, directed the Committee to consider the matter of retiral dues as the disputed question of facts were involved. The Committee was constituted by the State Government, pursuant to the order dated 19-06-2006 passed in W.P.No.1961/2006 (Smt. Keja Bai Chandrakar Vs. State Government of Chhattisgarh and others), and order dated 13-3-2008 passed in M.C.C. No. 105 of 2008 (State of Chhattisgarh and others Vs. Baijnath Mandal and another). Thus, this petition is squarely covered by the



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judgment and order dated 31<sup>st</sup> January, 2008 passed in W.P.No. 4642/2004 (Bajinath Mandal (supra) ) as submitted by learned counsel appearing for the parties.

4) This petition is accordingly disposed of in the same terms i.e., the office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the Committee shall issue notice to the petitioner, officers concerned and respondent No.4 within a further period of 15 days. The Committee shall consider and pass order, in accordance with law, after affording proper opportunity of hearing to the petitioner. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including payment of retiral dues, if any, to the petitioner, be completed within a period of four months from the date of receipt of a copy of this order.

5) The petitioner shall supply one complete set of the petition to the State counsel for transferring the same to the Committee.

Sd/-  
Satish K. Agnihotri  
Judge

Raju