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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 7319 of 2007

PETITIONER : Narendra Kumar Thakur, aged about 62 years, s/o Raghuvir Singh Thakur, R/o 40 Suyog Parisar, extension Near Mukherjee Nagar, Ratlam, District Ratlam, (M.P.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through: The Secretary, Food and Civil Supply, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, District Mahasamund, (C.G.)
3. Accountant General, State of Chhattisgarh, (Raipur)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri R.R.Tiwari, Advocate for the petitioner.
Smt. Smita Ghai, Panel Lawyer for the State/respondent No. 1 and 2.
Shri A.K.Barik, Advocate appearing on behalf of Shri S.K.Berwial, Advocate for the respondent No. 3

ORAL ORDER

(Passed on 28th day of February, 2009)

With the consent of the parties, the matter is taken up for hearing finally.

1. This matter pertains to payment of retiral benefits
2. This Court, in the matter of W.P. No. 4642/2004 (Bajinath 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 and others) and order dated 13.03.2008 passed in M.C.C. No. 105 of 2008 (State of Chhattisgarh & Others Vs. Bajinath Mandal and another). Thus, this petition is squarely covered by the judgment and order dated 31st of January, 2008 passed in W.P. No. 4642/2004 Bajinath Mandal (*supra*) as submitted by learned counsel appearing for the parties.



3. With the consent of the parties, 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 the petition from the petitioner and this order. Thereafter, the Committee shall issue notice to the petitioner and the officers concerned, 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.
4. The petitioner shall supply extra copy of the petition to Smt. Ghai, Panel Lawyer for the State/respondents 1 and 2 and Shri Barik, Advocate for the respondent No. 3, for forwarding the same to the Committee.
5. In case of grievance with regard to non-payment of pensionary dues, it is not necessary to file a writ petition before this Court directly. The representation/application can be moved before the Pension Committee as stated above. The Pension Committee shall not refuse to entertain the representation/application, if so filed directly.

Sd/-
Satish K. Agnihotri
Judge