

CB 1207

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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 851 Of 2010

PETITIONER:

Smt. Dulari Bai Goti Wd/o
Late Shri Jai Ram Goti, aged
about 60 years, C/o Ku.
Sapna Nonhare, Station Para
Ward No.10, Rajnandgaon
(CG).

Versus

RESPONDENTS:

1. The State of Chhattisgarh,
through the Secretary, Tribal
Welfare Department, Mantralay
at D.K.S. Bhawan, Raipur
(CG).
2. The Accountant General,
Chhattisgarh, Danganiyapara,
Raipur (CG).
3. The Commissioner, Tribal
Department, Bastar at
Jagdapur (CG).
4. The Block Education Officer
(Tribal), Block Katekalyan,
District South Bastar (CG).

FR. No. 888/2010
Presented by Shri. Rakesh Anthony
dated 24/2/2010



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



4/3/10

HIGH COURT OF CHHATTISGARH : BILASPUR

Writ Petition (S) No. 851 of 2010

PETITIONER

Smt. Dulari Bai Goti

Versus

RESPONDENTS

The State of Chhattisgarh & Others

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

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :

Shri Rakesh Anthony, counsel for the petitioner.

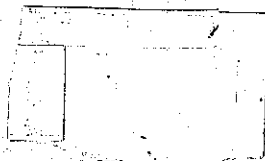
Shri P.K. Bhaduri, Panel Lawyer for the State.

Shri Kashif Shakeel, standing counsel for the respondent No.2.

ORDER (ORAL)

(Passed on this 26th day of February, 2010)

1. With the consent of learned counsel for the parties, the petition is heard finally.
2. This case pertains to grievance of non-grant of retiral dues. Learned counsel appearing for the petitioner, on instructions, submits that the matter may be referred to the Pension Committee.
3. This Court, in W.P.No.4642/2004 (Bajnath 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. Bajnath Mandal and another). Thus, this petition is squarely covered by the judgment and order dated 31st January,





2008 passed in W.P.No. 4642/2004 (Baijnath 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 and 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.
5. The petitioner shall supply one complete set of the petition to the State counsel as well as counsel for the respondent No.2 for transferring the same to the Committee.

Gowri

Sd/-
Satish K. Agnihotri
Judge