

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6828 of 2017**

1 - Dr. Ramadhar Sharma (Dead) Through- Lrs. As Per Order Of Hon'ble
Court Dated 15-02-2022, Chhattisgarh

1.1 - Smt. Shalini Sharma W/o Late Ramadhar Sharma Aged About 62
Years R/o House No. 365, Samta Colony, Raipur, Tahsil And District-
Raipur (C.G.)

1.2 - Ankit Sharma S/o Late Ramadhar Sharma Aged About 32 Years
R/o House No. 365, Samta Colony, Raipur, Tahsil And District- Raipur
(C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Higher Education
Department, Mahanadi Bhavan, Mantraya, Naya Raipur District Raipur
Chhattisgarh, Chhattisgarh

2 - Officer Of Commissioner, Higher Education, Raipur District Raipur
Chhattisgarh, District : Raipur, Chhattisgarh

3 - Pt. Ravi Shanker Shukla University, Raipur Through The Registrar
Pt. Ravi Shanker Shukla University Raipur Chhattisgarh., District :
Raipur, Chhattisgarh

... Respondent(s)



For LR's of the Petitioner	:	Shri Manoj Kumar Dubey, Advocate
For Respondents No.1 and 2	:	Shri Rohitashva Singh, Dy. Government Advocate
For Respondent No.3	:	Shri Neeraj Choubey, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

12/03/2026

1. Following reliefs have been sought in this writ petition:

“10.1) This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner from the possession of the respondents for its kind perusal.

10.2) That, the respondents be directed to release the amount of enhanced pension as per circular dated 31.08.2009 from 01.01.2008 to 31.08.2008.

10.3) That, the respondents kindly be directed to release the difference of amount of gratuity calculated as per circular dated 29.04.2010 which is calculated as 4,80,645/-.

10.4) Cost of the proceedings.

10.5) Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.”

2. During pendency of this writ petition, petitioner Dr. Ramadhar Sharma died and his legal representatives have been brought on record.



3. Learned counsel appearing for the legal representatives of the petitioner submits that this writ petition was originally filed by petitioner Dr. Ramadhar Sharma, who was working as a Technical Officer with respondent No.3. He retired from the services of respondent No.3 on 31.12.2007 on attaining the age of superannuation. After his retirement, the petitioner was paid the family pension as well as gratuity at the relevant point of time. The maximum ceiling of gratuity was Rs.3,50,000. Learned counsel further submits that respondent No.1 issued finance instruction No.27/2009 (Annexure P4) dated 31.8.2009 by which a decision has been taken by the State Government that the employees who retired on or after 1.1.2006 and were entitled to receive pension as per the Chhattisgarh Civil Services (Pension) Rules, 1976 would be increased. The rule also provides that the ceiling Rs.3,50,000 prescribed for gratuity has been increased to Rs.10,00,000. On the basis of above circular, further finance instruction No.18/2010 dated 29.4.2010 (Annexure P5) was also issued which prescribed the manner in which the arrears of the pension/family pension is to be made to the employees/family members. This circular also indicates that the maximum ceiling was increased to Rs.10,00,000 would be made in accordance with the last drawn salary which included pay plus grade pay. He submits that in compliance with above stated circular, a letter (Annexure P6) was issued by Joint Director (Finance), Directorate of Higher Education, Raipur dated 24.2.2014 to the Branch Manager, Allahabad Bank, Main Branch, G.E. Road, Raipur to make payment of the arrears of the pension of the deceased petitioner. He further submits that as the ceiling of Rs.3,50,000 was increased to Rs.10,00,000 by the State Government by the said finance instruction, as per the last pay drawn



by the petitioner, the petitioner is further entitled to Rs.4,80,645 in addition to the gratuity which has already been received. He further submits that the State Government is not adhering to its own finance instruction depriving the petitioner of the remaining amount of gratuity and has thus violated the statutory fundamental rights of the petitioner. He further submits that seeking the above stated reliefs this petition has been filed.

4. Learned counsel for the respondents, on the other hand, submit that the petitioner retired on 31.12.2007. The State Government has taken a decision to increase the pension as per the above stated finance instruction and to those government employees who retired on or after 1.1.2006 and thus on the basis of the above circular the pension of the petitioner was increased and letter was issued for making the payment of arrears. He further submits that though in the finance instruction the ceiling of gratuity of Rs.3,50,000 has been enhanced to Rs.10,00,000 but that benefit would only be available to the government employees who retired after 31.8.2008. Admittedly, in the case in hand, the petitioner retired on 31.12.2007, thus, the said benefit cannot be granted to the petitioner. Hence, the writ petition deserves to be dismissed.

5. I have heard learned counsel appearing for the parties and perused the material available with due care.

6. There is no dispute that the petitioner retired on 31.12.2007. It is also not in dispute that the petitioner was entitled to pension and gratuity. The above stated finance instruction clearly speaks that the pension/family pension of the government employees was revised and solely applicable to the employees who retired on or after 1.1.2006. A



communication was also made to the banker of the deceased petitioner for making payment of the arrears of the pension. A perusal of the above stated finance instruction also indicates that the ceiling of Rs.3,50,000 gratuity has been enhanced to Rs.10,00,000. However, a cut off date has been fixed that it is only applicable to the government employees who were retired after 31.8.2008.

7. Learned counsel for the legal representatives of the deceased petitioner tried to persuade that the gratuity is also a retiral benefit. Thus, the pension cannot be segregated from the gratuity and different cut off date cannot be given for the benefit of revised pension and for enhancement of gratuity. It is violative of Article 14 of the Constitution of India. This submission is not appealing to this Court as in the present case the cut off date which has been mentioned has not been put to challenge. Thus, the submission of learned counsel for the legal representatives of the deceased petitioner does not appear to have any backing. As stated above, the petitioner retired on 31.12.2007 and applicability of extension of ceiling limit of Rs.10,00,000 gratuity would apply to the only government employees who retired after 31.8.2008. Thus, the benefit cannot be extended to the deceased petitioner.

8. Hence, the writ petition fails and is hereby dismissed.

Sd/-
(Sachin Singh Rajput)
JUDGE