



2026:CGHC:28479



CGHC010023112022



2026:CGHC:28479

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 439 of 2022**

1 - Surekha Barapatre W/o B.K. Barapatre Aged About 62 Years Retired Office Superintendent, R/o A/7, Shivam Vihar Clony, Amlidih Raipur, Post Office Ravigram District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Petitioner**versus**

1 - State Of Chhattisgarh Through Its Secretary, Public Health En'gineering Department, Indravati Bhavan, Nava Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Engineer In Chief Public Health Engineering Department, Indravati Bhavan, Nava Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Chief Engineer (Electrical And Mechanical) O/s Engineer In Chief, Public Health Engineering Department, Indravati Bhavan, Nava Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - Superintendent Engineer (Electrical And Mechanical) Division, Public Health Engineering, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondents**WPC No. 2169 of 2022**



1 - Surekha Barapatre W/o B K Barapatre Aged About 62 Years Retired Office Superintendent, R/o A/7, Shivam Vihar Colony, Amlidih, Raipur, Po Ravigram, District Raipur Pin 492006, Chhattisgarh

---Petitioner

Versus

1 - State Of Chhattisgarh Through Its Secretary Tribal And Scheduled Castes Development Department, Indravati Bhavan, Nava Raipur, District : Raipur, Chhattisgarh

2 - High Power Certification Scrutiny Committee Through Its Member Secretary) Block-D, Ground Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh

3 - Dy. Superintendent Of Police Vigilance Cell High Power Certification Scrutiny Committee, Block-D, Ground Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh

--- Respondents

(Cause-title, as taken from CIS System)

For Petitioner	:	Mr. Vaibhav Goverdhan, Advocate
For State/Respondent(s)	:	Mr. Ujjawal Choubey, Panel Lawyer and Mr. Siddharth Sharma, Panel Lawyer

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

09/07/2026

WPS No.439 of 2022

1. With the consent of both parties, the matter is heard finally.
2. The petitioner has preferred the present writ petition under Article 226 / 227 of the Constitution of India seeking following reliefs:-

“i. This Hon'ble Court be kindly pleased to Call for entire records pertaining to the service of the petitioner.



- ii. This Hon'ble Court be pleased to direct the Respondents to release the retiral dues of the petitioner.
 - iii. Cost of this petition be awarded to the petitioner.
 - iv. Any other relief/reliefs, order/orders, direction/directions and writ/writs as may be deemed fit by the Hon'ble Court in the facts and circumstances of the case."
3. The brief facts of the case are that the petitioner was appointed to the post of Lower Division Clerk (LDC) vide appointment order dated 10.04.1981 (Annexure P-1) issued by respondent No.4. Subsequently, she was promoted time to time and, upon attaining the age of superannuation retired from service on 31.05.2021. However, even after her retirement, her retiral dues were not paid on the ground that her caste certificate had been cancelled by the High Level Caste Scrutiny Committee (hereinafter referred to as "HLCS Committee") vide order dated 13.05.2021 (Annexure P-5). Aggrieved thereby, the petitioner has filed the instant writ petition.
4. Learned counsel for the petitioner submits that during the pendency of the instant writ petition, all retiral dues, except 10% of the pension and 10% of the gratuity, have been paid to the petitioner by the respondents vide Annexure R-10 dated 03.02.2022. He further submits that the petitioner was neither appointed nor promoted on the basis of her caste. The pleadings to this effect, particularly those contained in paragraphs 8.1 to 8.7 of the writ petition, have also not been disputed by respondents in their return. Therefore, it is contended that merely because petitioner's caste certificate has been cancelled by the HLCS Committee, the respondents could not withheld the remaining retiral



dues. Hence, learned counsel prays that the present petition may be allowed and the respondents may be directed to release the withheld 10% of the pension and 10% of the gratuity.

5. A perusal of the appointment order dated 10.04.1981 (Annexure P-1) shows that the petitioner was appointed to the post of LDC. The appointment order nowhere reflects that the petitioner was appointed against a reserved post or on the basis of her caste. Rather, it appears that she was appointed as a general category candidate. The petitioner has also specifically pleaded in paragraphs 8.2, 8.3 & 8.4 of the writ petition that neither her appointment nor her subsequent promotions were based on her caste and that she earned promotions on the basis of seniority-cum-merit after clearing the departmental examination (Lekha Pariksha). These pleadings of the petitioner have also not been denied by the respondents in their return.
6. Though the HLCS Committee, vide order dated 13.05.2021 (Annexure P-5), cancelled the caste certificate issued in favour of the petitioner showing her to belong to the "Halba" Scheduled Tribe Community, it is evident that the petitioner had never availed any benefit on the basis of said caste certificate. Therefore, merely because the caste certificate has been cancelled by the HLCS Committee, the respondents could not have withheld her retiral dues. Consequently, the action of the respondents in withholding a part of the petitioner's retiral benefits is found to be perverse and illegal.
7. It is also evident from Annexure R-10 that the respondents have already released all retiral dues except 10% of the pension and 10% of the gratuity, as was also conceded by the petitioner's counsel. Since the sole ground for withholding the aforesaid amounts is not found to



be valid, this Court is inclined to allow the present writ petition.

8. Consequently, the writ petition is **allowed**. The respondents are directed to release the remaining retiral dues, i.e., 10% of the pension and 10% of the gratuity, within a period of 60 days from the date of filing of a certified copy of this order.
9. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

WPC No.2169 of 2022

1. The petitioner has preferred the present writ petition under Article 226 / 227 of the Constitution of India seeking following reliefs:-

“i. This Hon’ble Court be kindly pleased to Call for entire records of the High Power Certification Scrutiny Committee pertaining to the impugned order passed against the petitioner.

ii. This Hon’ble Court be pleased to quash and set aside the impugned order dated 13.05.2021 passed by the High Power Certification Scrutiny Committee (Annexure P-1).

iii. Cost of this petition be awarded to the petitioner.

iv. Any other relief/reliefs, order/orders, direction/directions and writ/writs as may be deemed fit by the Hon’ble Court in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that, in view of the above order passed today in WPS No.439 of 2022, nothing survives for adjudication in the present writ petition and, therefore, seeks permission to withdraw the same.
3. Learned counsel for the State/respondent(s) has no objection to the



2026:CGHC:28479

prayer made by learned counsel for the petitioner.

4. On due consideration, the petitioner is permitted to withdraw WPC No.2169 of 2022.
5. Accordingly, the writ petition is dismissed as withdrawn. However, liberty is left with the petitioner to restore the same, if so advised.
6. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

Sd/-

(Naresh Kumar Chandravanshi)

JUDGE