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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 209 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Bastar (Jagdalpur) (C.G.)

**---- Appellants**

**Versus**

Arun Kumar Sharma, S/o Late Narayan Sharma, Aged About 65 Years, R/o Mother Teresa Ward, B-90, Jagdalpur, Bastar (C.G.)- 494001.

**---- Respondent**

**WA No. 210 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administration Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector District- Janjgir- Champa (C.G.)

**---- Appellants**

**Versus**

Ramadhar Chandra, S/o Shri Mayaram Chandra, Aged About 63 Years, R/o Village- Belakachar, Dongro, Village- Panchayat, Post Office- Balco Nagar, District- Korba (C.G.)

**---- Respondent**

**WA No. 224 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

**Versus**

Shri Ashok Shesh, S/o Ganpat Rao Shesh, Aged About 73 Years, R/o H.No. I/07, Guru Teg Bahadur Nagar, New Puraina, Puraina (Amlidih), Ravi Gram, Raipur, District- Raipur (C.G.)

**---- Respondent**



**WA No. 223 of 2021**

1. State of Chhattisgarh, Through Secretary, Government of Chhattisgarh, General Administration, Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, (C.G.)- 492002.
2. Collector Bilaspur, Tehsil & District- Bilaspur (C.G.)
3. Collector Janjgir- Champa, Tehsil & District- Janjgir- Champa (C.G.)

**---- Appellants**

**Versus**

Ramendra Prasad Rathore, S/o Late Shri Ramadheen Rathore, Aged About 78 Years, Occupation- Cultivation, R/o Village- Portha, Tehsil- Sakti, District- Janjgir- Champa (C.G.)

**---- Respondent**

**WA No. 226 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, District – Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District – Raipur (C.G.)
3. The Collector, District – Durg (C.G.)

**---- Appellants**

**Versus**

Gaffar Khan, S/o Late Jabbar Khan, Aged About 66 Years, R/o Nurani Chowk, Raja Talab Raipur, District- Raipur- 492001 (C.G.)

**---- Respondent**

**WA No. 221 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Raigarh (C.G.)

**---- Appellants**

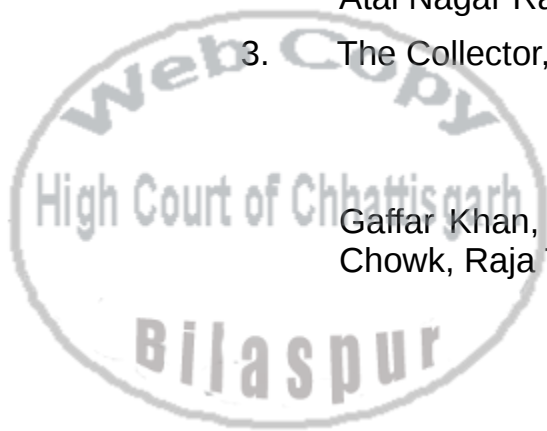
**Versus**

Prem Prasad Gupta, S/o Bhuneshwar Sav, Aged About 59 Years, Resident of 71, Karbala Road, Jashpur Ward 07, Patthalgaon, Jashpur (C.G.)- 491331.

**---- Respondent**

**WA No. 244 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan,





- Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector Tahsil, District- Raigarh (C.G.)

---- Appellants

**Versus**

Smt. Janki Kukreja, W/o Late Shri Pratap Singh Kukreja, Aged About 68 Years, R/o Pakki Kholi, Sindhi Colony, Chakradhar Nagar Raigarh, Tahsil & District- Raigarh (C.G.)

---- Respondent

**WA No. 229 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District – Raipur (C.G.)
3. The Collector, District - Durg (C.G.)

---- Appellants

**Versus**

Shri Hridaynarayan Nirvani, S/o Baladas Nirvani, Aged About 60 Years, R/o Nirvani Gali, Ward No.06, Bemetara, District- Durg (C.G.)

---- Respondent

**WA No. 313 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District – Raipur (C.G.)
3. The Collector, Tahsil, District – Raigarh (C.G.)

---- Appellants

**Versus**

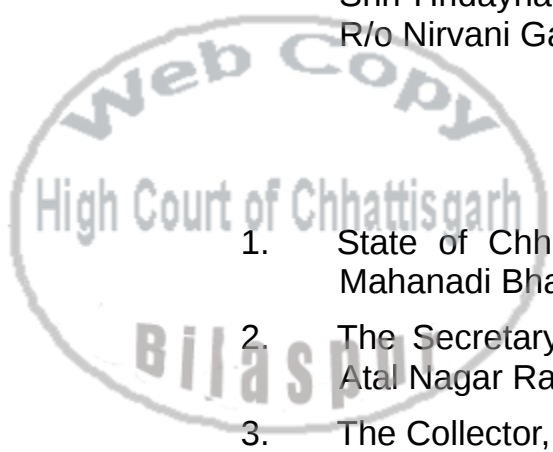
Lakhpatri Pradhan @ Acharya Chenanand, S/o Late Shri Mansa Ram, Aged About 70 Years, R/o Village- Koilibahal, Raigarh, Tahsil & District- Raigarh (C.G.)

---- Respondent

**WA No. 320 of 2021**

1. State of Chhattisgarh, Through Chief Secretary General Administration Department, Mahanadi Bhawan Atal Nagar Naya Mantralaya Raipur, District – Raipur (C.G.)
2. Additional Chief Secretary Finance Department, State of Chhattisgarh, Mahanadi Bhawan Atal Nagar, Raipur, District – Raipur (C.G.)
3. Collector, Durg District- Durg (C.G.) (Respondents In Writ Petition)

---- Appellants





**Versus**

Domar Singh Chandraker, S/o Siya Ram Chandraker, Aged About 73 Years, R/o Panchasheel Nagar, Ward No 1, Durg (C.G.)... (Petitioner)

**---- Respondent**

**WA No. 289 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

**Versus**

Shri Asit Bhattacharya, S/o Late Shri Ramendra Nath Bhattacharya, Aged About 67 Years, R/o House No. 1066/21, Raman Mandir, Near Old Santumal Oil Mill, Fafadih, Raipur (C.G.)

**---- Respondent**

**WA No. 325 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District - Raipur (C.G.)
2. The Secretary General Administration Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Janjgir- Champa (C.G.)

**---- Appellants**

**Versus**

Bahor Singh Kashyap, S/o Bahadur Singh Kashyap, Aged About 80 Years, R/o Jawalpur, Janjgir- Champa, District- Janjgir-Champa (C.G.)- 495559.

**---- Respondents**

**WA No. 328 of 2021**

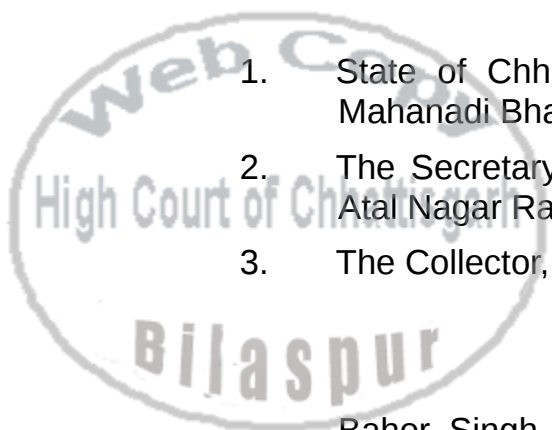
1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

**Versus**

Shri Suhas Deshpande, S/o Laxmikant Deshpande, Aged About 63 Years, R/o Shanti Vihar Colony, Dangania, Sunder Nagar, Bindrawangarh, Raipur, District- Raipur (C.G.)

**---- Respondent**





**WA No. 343 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
2. Secretary General Administration Department Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur (C.G.)
3. Collector, Janjgir, District- Janjgir-Champa (C.G.)

**---- Appellants**

**Versus**

Smt. Ramsheela Yadav, Wd/o Late Mohan Lal Yadav, Aged About 74 Years, R/o Village- Saragaon, Tahsil- Champa, District- Janjgir-Champa (C.G.)

**---- Respondent**

**WA No. 346 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

**Versus**

Raman Lal Agrawal, S/o Radheshyam Agrawal, Aged About 81 Years, Resident of Gopal D-1, Nayapara Ward, Krishna Nagar, Bhatapara, District- Balodabazar (C.G.)- 493118.

**---- Respondent**

**WA No. 364 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

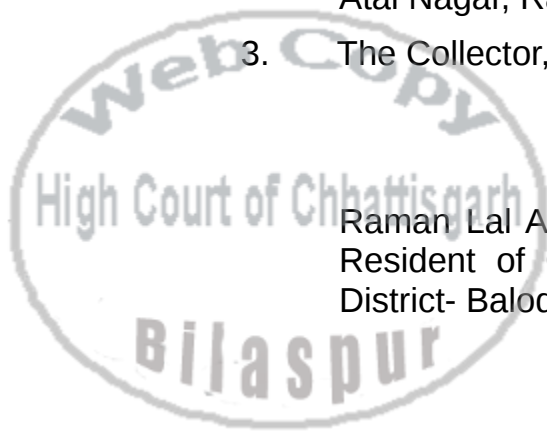
**Versus**

Vijaya Deshpande, W/o Late Vasant Deshpande, Aged About 78 Years, R/o Md 40, Housing Board Colony Kota, Raipur, Ravi Shankar University, District- Raipur (C.G.)

**---- Respondent**

**WA No. 357 of 2021**

1. State of Chhattisgarh, Through- The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)





2. The Secretary General Administrative Department, Mahanadi Bhawan Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District – Raipur (C.G.)

---- Appellants

**Versus**

Lochan Ram Sahu, S/o Gaya Ram Sahu, Aged About 61 Years, R/o Panduka Kutena, Kutena, Bindrawangarh, Raipur (C.G.)- 492109

---- Respondent

**WA No. 358 of 2021**

1. State of Chhattisgarh, Through- The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District – Raigarh (C.G.)

---- Appellants

**Versus**

Shri Vishwanath Ram, S/o Dokhar Ram, Aged About 69 Years, R/o 03, In front of Aara Mill, Gadakata, Kunkuri, Ward No. 1 Kunkuri, Jashpur (C.G.)- 496225.

---- Respondent

**WA No. 361 of 2021**

1. State of C.G., Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Janjgir-Champa (C.G.)

---- Appellants

**Versus**

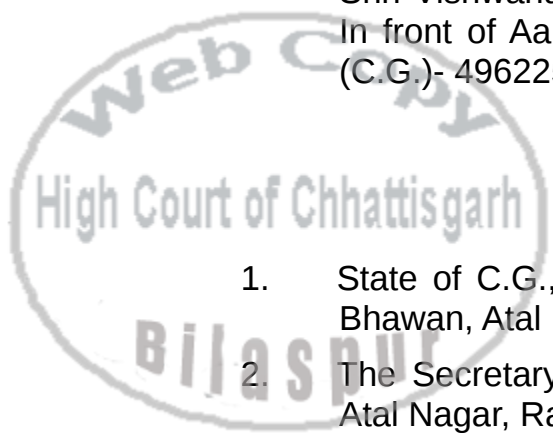
Santosh Soni, S/o Naval Kishore Soni, Aged About 57 Years, R/o H.No. 23, Ward No. 06, Sonar Para, Champa, Janjgir-Champa, District- Janjgir- Champa (C.G.)- 495671.

---- Respondent

**WA No. 362 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, Tahsil & District- Raigarh (C.G.)

---- Appellants





**Versus**

Rajkishore Singh, S/o Late Shri Vasudev Singh, Aged About 70 Years,  
R/o Kabir Chowk, Jute Mill, Raigarh, Tahsil & District- Raigarh (C.G.)

**---- Respondent**

**WA No. 366 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, Tahsil, District- Raigarh (C.G.)

**---- Appellants**

**Versus**

Sanjay Prabhakar Tamaskar, S/o Late Shri Prabhakar Tamaskar, Aged About 63 Years, R/o Gaurishankar Mandir Road, Raigarh, Tahsil & District- Raigarh (C.G.)

**---- Respondent**

**WA No. 367 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur (C.G.)
2. Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur (C.G.)
3. The Collector, Janjgir, District- Janjgir- Champa (C.G.)

**---- Appellants**

**Versus**

Naresh Sharma, S/o Jagdish Chandra Tiwari, Aged About 71 Years, R/o 368, Tiwari Niwas, Main Road, Infront of D.K. Medical Store, Naila, District- Janjgir- Champa (C.G.)

**---- Respondent**

**WA No. 368 of 2021**

1. State of Chhattisgarh, Through The Secretary, General Administration Department, Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. Collector Balodabazar- Bhatapara District- Balodabazar- Bhatapara (C.G.)

**---- Appellants**

**Versus**

1. Smt. Janki Gulabani, W/o Ishwar Kishandas Gulabani, Aged About 75 Years, R/o M-52, Yadunandan Nagar Tifra, Bilaspur Near Hanuman Mandir, Bazar Chowk, Tifra, District- Bilaspur (C.G.)
2. Accountant General, Chhattisgarh, Zero Point, Balodabazar Road, P.O.



Vidhan Sabha, Atal Nagar, Raipur, District- Raipur (C.G.)

---- Respondents

**WA No. 369 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector Tahsil, District- Raigarh (C.G.)

---- Appellants

**Versus**

Pramod Saraf, S/o Late Shri Sagarmal Saraf, Aged About 64 Years, R/o In front of Aakashwani Kendra, Chote Atarmuda, Raigarh, Tahsil & District- Raigarh (C.G.)

---- Respondent

**WA No. 370 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Janjgir- Champa (C.G.)

---- Appellants

**Versus**

Badri Prasad Dewangan, S/o Dwarika Prasad Dewangan, Aged About 66 Years, R/o Jawalpur, Janjgir Champa, District- Janjgir-Champa (C.G.)- 495559.

---- Respondent

**WA No. 371 of 2021**

1. State of Chhattisgarh, Through Secretary, Government of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)- 492002.
2. Collector Bilaspur, Tehsil & District- Bilaspur (C.G.)

---- Appellants

**Versus**

1. Kishore Tatibandwale, S/o Late Shri Wasudev Rao Tatibandwale, Aged About 62 Years, R/o C/o Avinash Bapte, Kila Ward, Juna Bilaspur, District- Bilaspur (C.G.)
2. Dattatrey Tripurwar, S/o Late Shri Bhalchandra Rao Tripurwar, Aged About 62 Years, Opposite Hero Honda Showroom, Sarkanda, Bilaspur (C.G.)
3. Jainarayan Tripathi, S/o Late Shri Hargovind Tripathi, Aged About 66



- Years, R/o 640, Tripathi Gali, Shanichari Bazar, Fish Market Bilaspur, District- Bilaspur (C.G.)
4. Mahesh Tamaskar, S/o Late Shri Manohar Tamaskar, Aged About 65 Years, R/o J-6 Priyat Colony, Nehru Nagar, Bilaspur, District- Bilaspur (C.G.)
  5. Gajanand Dighraskar, S/o Late Shri Bal Krishna Dighraskar, Aged About 64 Years, R/o Tilak Nagar, Bilaspur, District- Bilaspur (C.G.)
  6. Dr. D.P. Agrawal, S/o Late Shri Gajanand Agrawal, Aged About 80 Years, R/o Vidya Nagar Bilaspur, District- Bilaspur (C.G.)
  7. Surendranath Jha, S/o Late Shri Badri Prasad Jha, Aged About 74 Years, Behind Shekhar Tiwari Hospital, Priyadarshini Nagar, Bilaspur, District- Bilaspur (C.G.)
  8. Motilal Pamnani, S/o Late Shri Bhagchandra Pamnani, Aged About 72 Years, R/o House No. 79, Ward No. 03, Near Abkari Bunglow, Warehouse Road, Jarhabhata, Bilaspur, District- Bilaspur (C.G.)
  9. Premshankar Patanwar, S/o Late Shri Jivrakhan Lal Patanwar, Aged About 79 Years, R/o Patanwar Gali, Opposite Hero Honda Showroom Sarkanda, Bilaspur, District- Bilaspur (C.G.)
  10. Anil Shukla, S/o Late Shri Devnarayan Shukla, Aged About 65 Years, R/o Sarkanda, Bilaspur, District- Bilaspur (C.G.)
  11. Pramod Shukla, S/o Late Shri Prahlad Prasad Shukla, Aged About 64 Years, R/o Hatri Chowk, Juna Bilaspur, Bilaspur, District- Bilaspur (C.G.)
  12. Sunder Shyam Sachdeo, S/o Late Shri Laxmichandra Sachdeo, Aged About 83 Years, R/o Madhuban Road, Nariyal Kothi, Dayalband Bilaspur, District- Bilaspur (C.G.)
  13. Bharat Lal Vaishnav, S/o Late Shri Ram Gopal Vaishnav, Aged About 63 Years, R/o Qtr. No. 106, Gitanjali Park, Mangla Road, Bilaspur, District- Bilaspur (C.G.)
  14. Harishankar Dubey, S/o Late Shri Ramdulare Dubey, Aged About 87 Years, R/o Near Baghwa Mandir, Purana Sarkanda, Bilaspur, District- Bilaspur (C.G.)
  15. Goverdhan Gulhare, S/o Late Shri Jagannath Prasad, Aged About 69 Years, R/o Munnulal Shukla Marg, Gondpara, Bilaspur, District- Bilaspur (C.G.)
  16. Shivnarayan Gole, S/o Late Shri Bhagwandin Gole, Aged About 84 Years, R/o Dayalband, Bilaspur, District- Bilaspur (C.G.)
  17. Kanhaiyalal Goyal, S/o Late Shri Ramavtar Goyal, Aged About 73 Years, R/o Dayalband, Bilaspur, District- Bilaspur (C.G.)
  18. Surendra Mohan Dhodhi, S/o Late Shri Madan Mohan Dhodhi, Aged About 68 Years, R/o Samta Colony, Tikrapara Bilaspur, District- Bilaspur (C.G.)
  19. Shashikant Konher, S/o Late Shri Prabhakar Rao Konhar, Aged About 63 Years, R/o Near Konher Garden, Tilak Nagar, Bilaspur, District- Bilaspur (C.G.)
  20. Dinesh Kumar Tamrakar, S/o Late Shri Ganesh Prasad, Aged About 70 Years, R/o Mangli Bazar Road, Pendra Road, Bilaspur, District- Bilaspur



(C.G.)

21. Komalchandra Jain, S/o Late Shri Hukumchandra Jain, Aged About 75 Years, R/o Pendra Road, District- Bilaspur (C.G.)
22. Purushottam Kadam, S/o Late Shri Krishna Rao Kadam, Aged About 70 Years R/o Tilak Nagar, District- Bilaspur (C.G.)
23. Diwakar Tiwari, S/o Late Shri Jeevrakhan Lal Tiwari, Aged About 62 Years, R/o House No. C-9, Agroha Nagar, Raipur, District- Raipur (C.G.)
24. Netram Vishwakarma, S/o Late Shri Mathanlal Vishwakarma, Aged About 64 Years, R/o Kumharpara, Sant Ravidas Nagar, Bilaspur, District- Bilaspur (C.G.)
25. T. Damodar Swami, S/o Late Shri R.T. Kandaswami, Aged About 74 Years, R/o Chantidih, Bilaspur, District- Bilaspur (C.G.)
26. Shiv Kumar Soni, S/o Late Shri Darbari Lal Soni, Aged About 74 Years, R/o Ward No. 13, Rest House Road, Gourella, Pendra Road, Pendra Road, District- Bilaspur (C.G.)
27. Bhagwati Gupta, W/o Late Shri Ramlal Gupta, Aged About 74 Years, Mangli Bazar, Gourella, Pendra Road, District- Bilaspur (C.G.)
28. Smt. Geeta Motwani, W/o Late Shri Uddhav Motwani, Aged About 57 Years, R/o Kishore Bhawan Behind Nagorao Shesh School, Juna Bilaspur, District- Bilaspur (C.G.)

---- Respondent

**WA No. 372 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Durg (C.G.)

---- Appellants

**Versus**

Shri Kishan Chandrakar, S/o Sawant Chandrakar, Aged About 68 Years, R/o Ward No. 22, Kailash Nagar, Station Para, Dhamdha Nagar, District- Durg (C.G.)

---- Respondent

**WA No. 373 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

---- Appellants

**Versus**

Amita Sharma, W/o Late Omprakash Sharma, Aged About 55 Years, R/o



Rohinipuram, Alakhnanda Apartment Gol Chowk, Raipur, District- Raipur (C.G.)

---- Respondent

**WA No. 376 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Dhamtari, District- Dhamtari (C.G.)

---- Appellants

**Versus**

Lakhan Lal Pathik Alias Anand Murti (Sanyasi), S/o Johan Lal, Aged About 73 Years, R/o Behind Radha Swami Satsang, Village- Rudri, Dhamtari, District- Dhamtari (C.G.)

---- Respondent

**WA No. 391 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

---- Appellants

**Versus**

Avadhutika Anand Suchita Acharya, D/o Ramanand Shukla, Aged About 70 Years, R/o Bajrang Mandir Chowk Dharampura, Raipur (C.G.)

---- Respondent

**WA No. 392 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector Tahsil, District- Raigarh (C.G.)

---- Appellants

**Versus**

Amrik Singh Sansova, S/o Late Shri Narayan Sikh Singh, Aged About 69 Years, R/o 92, Korodimal Colony Raigarh, At present R/o Laxmi Nivas, Near Guest House, Vivekanand Colony, Vaishali Nagar, Bhilai & District- Durg (C.G.)

---- Respondent



**WA No. 393 of 2021**

1. State of Chhattisgarh, Through Secretary, Government of Chhattisgarh General Administration Department Mantralaya, Mahanadi Bhawan Atal Nagar, Nava Raipur (C.G.)- 492002.
2. The Collector Rajnandgaon, District- Rajnandgaon (C.G.)

**---- Appellants**

**Versus**

Subhash Singh, S/o Late Devendra Singh, Aged About 79 Years, Loktantra Sainani, R/o Near Polytechnic, Durga Chowk Ward No. 3, Khairagarh, District- Rajnandgaon (C.G.)

**---- Respondent**

**WA No. 395 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District- Janjgir- Champa (C.G.)

**---- Appellants**

**Versus**

Dev Prasad Tiwari, S/o Kaushal Prasad Tiwari, Aged About 65 Years, R/o 125, Ghiwra, Janjgir-Champa, District- Janjgir-Champa (C.G.)- 495661.

**---- Respondent**

**WA No. 396 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Bastar (Jagdalpur) (C.G.)

**---- Appellants**

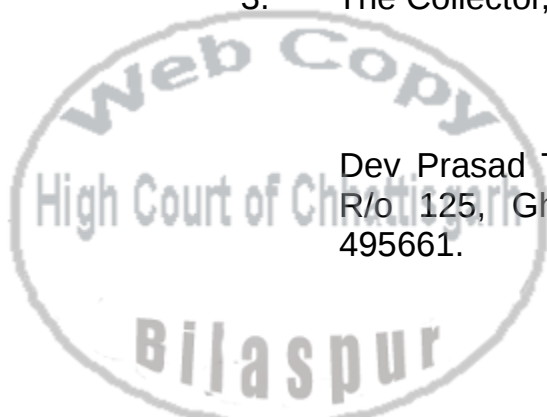
**Versus**

Amita Jaiswal, W/o Late Kiran Kishore Jaiswal, Aged About 61 Years, R/o 325, Pandit Dindayal Upadhyay Ward, Azad Chowk, Jagdalpur, District- Bastar (C.G.)

**---- Respondent**

**WA No. 401 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan,





Atal Nagar, Raipur, District- Raipur (C.G.)

3. The Collector, District- Raipur (C.G.)

---- Appellants

**Versus**

Kirti Chauhan, W/o Late Kuntal Singh Chauhan, Aged About 75 Years, R/o 46/871, Nayapara Raod, Vir Shivaji Chowk, Raipur, District- Raigarh (C.G.)

---- Respondent

**WA No. 402 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, Tahsil & District- Raigarh (C.G.)

---- Appellants

**Versus**

Suganchand Farmania, S/o Late Shri Vishambhar Dayal Farmania, Aged About 77 Years, R/o Kotra Road, Railway Bangla Para Raigarh, Tahsil & District- Raigarh (C.G.)

---- Respondent

**WA No. 403 of 2021**

1. State of Chhattisgarh, Through- The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary General Administration Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

---- Appellants

**Versus**

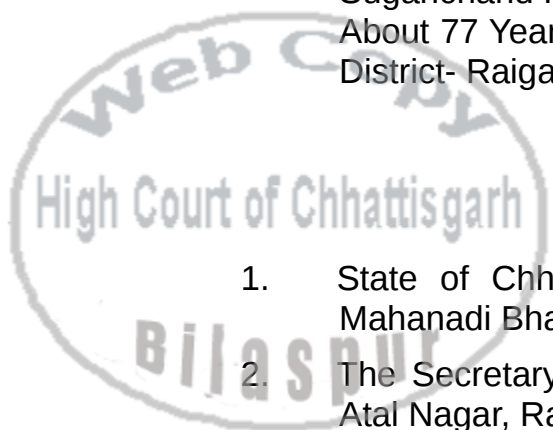
Smt. Narmada Sahu, W/o Late Shri Chaitram Sahu, Aged About 81 Years, R/o Ward No. 06 Sonkar Gali, Bargudi Para, Azad Chowk, Arang, District- Raipur (C.G.)

---- Respondent

**WA No. 404 of 2021**

1. State of Chhattisgarh, Through- The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Surguja (Ambikapur) (C.G.)

---- Appellants





**Versus**

Charan Singh Agrawal, S/o Late Ami Lal Agrawal, Aged About 78 Years, R/o Ward No. 16 Main Road Line Shivnandpur, Bishrampur, Shivnandpur, Alias Omkarbahara, Surajpur- 497226 (C.G.)

---- Respondent

**WA No. 405 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District – Raipur (C.G.)
2. The Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
3. The Collector, District – Mahasamund (C.G.)

---- Appellants

**Versus**

Manilal Chandrakar, S/o Daulal Chandrakar, Aged About 65 Years, R/o Makan No. 1/3, Ward No. 01 Khamhariya, Mahasamund (C.G.)-493449

---- Respondent

**WA No. 406 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District – Raipur (C.G.)
2. Secretary General Administrative Department, Mahanadi Bhawan, Atal Nagar Raipur, District – Raipur (C.G.)
3. The Collector, District – Bilaspur (C.G.)

---- Appellants

**Versus**

Smt. Rupadevi Soni, W/o Late Sita Ram Kaushal, Aged About 75 Years, R/o Old Bus Stand Implipara, Arvind Kirana Shop Lane, District – Bilaspur (C.G.)

---- Respondent

**WPC No. 1580 of 2021**

Shri Chandra Shekhar alias Maluram Sharma, S/o Shri Ram Kumar Sharma, Aged About 81 Years, MISA Bandi Honorarium Holder, R/o House No. 263, Near Shubham Chowk, Tilda Neora, District- Raipur (C.G.)

---- Petitioner

**Versus**

1. The State of Chhattisgarh through the Secretary General Administration Department, Mahanadi Bhawan Atal Nagar, Nava Raipur (C.G.)
2. The Collector, Raipur (C.G.)

---- Respondents



**WPC No. 83 of 2021**

Narayan Singh Chauhan, S/o Dhur Singh Chouhan, Aged About 73 Years, R/o Village- Bodtara, Ward No. 01, P.O. Jarod, Balodabazar, Tahsil & District- Bhatapara - Balodabazar (C.G.)

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through - The Secretary, General Administration Department Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. Accountant General, Chhattisgarh, Zero Point, Balodabazar Road, P.O. Vidhan Sabha, Atal Nagar, Raipur (C.G.)
3. Collector Balodabazar - Bhatapara, District Balodabazar - Bhatapara (C.G.)

**---- Respondent**

**WPC No. 2041 of 2021**

Shri Suhas Deshpande, S/o Laxmikant Deshpande, Aged About 64 Years, R/o Shanti Vihar Colony, Dangania, Sunder Nagar, Bindrawangarh, Raipur (C.G.)

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. The Secretary, General Administrative Department Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Respondents**

**WPC No. 2474 of 2021**

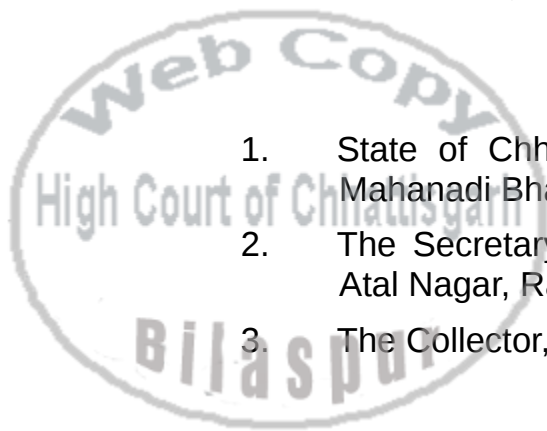
Kishan Lal Tulshyan, S/o Chhotelal Tulshyan, Aged About 74 Years, R/o Ambedkar Chowk, Ward No. 14, Akaltara, Post Office Akaltara, District- Janjgir- Champa (C.G.)

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through- The Secretary, General Administration Department, Indrawati Bhawan, Atal Nagar Raipur, District- Raipur (C.G.)
2. Accountant General, Chhattisgarh, Zero Point Balodabazar Road, P.O. Vidhan Sabha, Atal Nagar, Raipur (C.G.)
3. Collector Bilaspur, District- Bilaspur (C.G.)

**---- Respondent**





**WPC No. 4805 of 2021**

1. Shri Asit Bhattacharya, S/o Late Ramendranath Bhattacharya, Aged About 68 Years, R/o House No. 1066/21, Raman Mandir, Near Old Santumal Oil Mill, Fafadih, Raipur (C.G.)
2. Krishna Kumar Soni, S/o Gauri Prasad Soni, Aged About 60 Years, R/o Gram Jamaha, Post Nawagaon, District- Bilaspur (C.G.)- 495334.
3. Sudakshina Shende, W/o Late Dileep Shende, Aged About 65 Years, R/o 2/544, Ward No. 12, Near Laxminarayan Mandir, Kota, Raipur, District- Raipur (C.G.)
4. Urmila Sahu, W/o Late Shri Amrit Lal Sahu, Aged About 59 Years, R/o 181, Ward No. 19, Panchshil Ward Mahasamund, District- Mahasamund (C.G.)
5. Vandana Ganodwale, W/o Late Murlidhar Ganodwala, Aged About 82 Years, R/o 7, Udyan Marg Chouby Colony Raipur (C.G.)- 492001.
6. Bharatlal Soni, S/o Ghasi Ram Soni, Aged About 87 Years, R/o 02, Beeta Bai Mohre Marg, District- Bilaspur (C.G.)- 495334.
7. Shri Ram Lal Soni, S/o Makhan Lal Soni, Aged About 69 Years, R/o of 13/09 Kalyan Ashram Jashpur, Ward 13 Jashpur Nagar, Patthalgaon, Jashpur, District- Jashpur (C.G.)
8. Komal Bai Chandra, W/o Late Ramadhin Chandra, Aged About 54 Years, R/o Ward No. 02, Chandra Para, Pihrid, Janjgir-Champa, District- Janjgir-Champa (C.G.)- 495691.
9. Jagdish Upasane, S/o Dattatraya Prahlad Upasane, Aged About 68 Years, R/o Flat No. 106, Patrakar Parisar, Sector-5, Vasundhara, Gaziabad, Uttar Pradesh 201012, District- Ghaziabad, Uttar Pradesh.
10. Dattatrayakhare, S/o Late Panduranga, Aged About 77 Years, R/o B-59, Housing Board Colony, Near Sai Mandir Kota Raipur, District- Raipur (C.G.)- 492010.
11. Rampyari Sahu, W/o Late Muniram Sahu, Aged About 69 Years, R/o Mungeli, 126, Daupara, Main Road, Andruz Ward, Mungeli, District- Mungeli (C.G.)- 495334.
12. Yashoda Bai Chandra, W/o Badri Prasad Chandra, Aged About 66 Years, R/o Ward No. 04, Basti Para, Pihrid, Janjgir-Champa, District- Janjgir-Champa (C.G.)- 495691.
13. Babulal Chandra, S/o Late Gulapi Chandra, Aged About 64 Years, R/o Ward No. 02, Dhangardipa Raigarh, District- Raigarh (C.G.)- 496001.
14. Shri Laxmiprasad Gupta, S/o Late Bhuwaneshwar Sav, Aged About 68 Years, R/o Karbala Road, Masjeed Para, Jashpur, Ward No.07, Jashpurnagar, Patthalgaon, District- Jashpur (C.G.)- 496331.
15. Madhuri Shukla, W/o Late Shesh Narayan Shukla, Aged About 60 Years, R/o 222, Sundar Nagar, Bindrawangarh, District- Raipur (C.G.)- 492013.
16. Radha Bai Yadu, W/o Late Hariram Yadu, Aged About 53 Years, R/o Ward No. 12, Munrethai, Raipur, Siltara, District- Raipur (C.G.)- 493111.
17. Ram Prem Dubey, S/o Jaimangal Prasad, Aged About 75 Years, R/o Lakhanpuri, Charama, District- Bastar (Jagdalpur) (C.G.)



18. Sarojni Kesharwani, W/o Late Niranjan Prasad Kesharwani, Aged About 84 Years, R/o Plot No. 69, Kesharwani House, Gandhi Ward No. 9, Mungeli, District- Mungeli (C.G.)- 495334.
19. Sushila Devi, W/o Late Bhikham Dev, Aged About 71 Years, R/o LIG-857, Chhattisgarh Housing Board Colony, Sejbahar, Raipur, District- Raipur (C.G.)
20. Mahendra Kumar Jain, S/o Gulab Chand Ji Jain, Aged About 70 Years, R/o Ward 1, Near New Jain Mandir, Raipur Road, Gobra Nawapara, Rajim, Abhanpur, Raipur (C.G.)- 493881.
21. Devidutt Joshi, S/o Tikaram Joshi, Aged About 78 Years, Narottam Ganga Vihar, Phase-3, Harinagar, Kusumkheda, Nainital, Uttarakhand-263139.
22. Shatrughn Prasad Verma, S/o Hiranman Verma, Aged About 61 Years, Ward No. 01, Atal Chowk, Mohgaon, Raipur (C.G.)- 493114.
23. Girish Upasane, S/o Dattatray Upasane, Aged About 62 Years, R/o Ward No.2, Behind Kisan Rice Mill, Gariyaband (C.G.)- 493889.
24. Jayant Tapas, S/o Dinkar Tapas, Aged About 61 Years, R/o House No. 15/387, Tapas Bhawan, Nawahar Nagar Raipur, District- Raipur (C.G.)- 492001.
25. Kulwant Singh, S/o Late Manmohan Singh, Aged About 77 Years, R/o House No. 4/1 Bishrampur Van-B-Lain 1, Village Satpata, Tahsil Surajpur, District- Surajpur (C.G.)
26. Punit Ram Sahu, S/o Bihari Ram Sahu, Aged About 76 Years, R/o 678, Basin, Gariyaband, District- Gariyaband (C.G.)- 493992.
27. Vivek Govind Surange, S/o Govind Vasudeo Surange, Aged About 64 Years, R/o Block No.2, Flat No.31, Housing Board Colony Kachna Road, Khamhardih, Shankar Nagar, Bindrawangarh, Tehsil & District- Raipur (C.G.)- 492007.
28. Mahendra Kumar Chandrakar, S/o Sadaram Chandrakar, Aged About 66 Years, R/o Parsada-3 (Parsada) Palod, Aarang Raipur, District- Raipur (C.G.)- 492101.
29. Shripal Jain, S/o Gulab Chand Jain, Aged About 81 Years, R/o Jashpurnagar, District- Raigarh (C.G.)
30. Shanti Devi, W/o Late Banshi Lal, Aged About 72 Years, R/o Tikrapara, Balod, Ward -4, Balod, District- Durg (C.G.)- 491226.
31. Abdul Nabi Abdul Rehmaan, S/o Abdul Rehman, Aged About 82 Years, R/o Ganga Nagar Balapur Road By Pass Akola, Akola City Maharashtra 444002.
32. Laxmibai Pawar, W/o Late Narayan Rao Pawar, Aged About 81 Years, R/o Ward No. 16, Civil Line Shikaripara, District- Balod (C.G.)- 491226.
33. Shri Jagdish Lal Uboweja, S/o Late Shri Lakhe Singh, Aged About 83 Years, R/o 124, Purani Mandi Ward No. 10, Saraipali, Mahasamund, District- Mahasamund (C.G.)
34. Gorelal Dewangan, S/o Jethu Ram Dewangan, Aged About 80 Years, R/o Jawalpur, Janjgir-Champa, District- Janjgir-Champa (C.G.)- 495559.
35. Resham Thakur, W/o Late Keshav Thakur, Aged About 66 Years, R/o



- H.N.O. 9/697 Thakkar Bapa, Ward 9 Gudhiyari Pahadi Para Raipur (C.G.)- 492001.
36. Sachchidanand Upasane, S/o Dattatray Prahalad Upasane, Aged About 64 Years, R/o 42/1417 Dhamtari Road, In front of Police Ground, Nehru Nagar, Raipur (C.G.)- 492001.
  37. Gopal Vyas, S/o Late Poonamchand Vyas, Aged About 87 Years, R/o MIG, Tatibandh Housing Board Colony, Aamanaka Raipur, District- Raipur (C.G.) - 492010.
  38. Ram Bai Yadu, W/o Late Shiv Kumar, Aged About 73 Years, R/o House No. 1119, Ward No. 09, Pahadi Para, Gudhiyari, District- Raipur (C.G.)- 492009.
  39. Smt. Chhaya Gupta, W/o Late Kashi Prasad Gupta, Aged About 67 Years, R/o House No. 280, Ward No. 12, Lane No. 01, Station Para, Rajnandgaon, District- Rajnandgaon (C.G.)- 491441.
  40. Jainab Begum, W/o Late Munawwar Pasha Siddiqui, Aged About 62 Years, R/o 25/803, Kali Nagar, Pandri, Near Kamlekirna Store, Raipur (C.G.) – 492001.
  41. Faqrunisha Khan, W/o Late Rafiq Mohammad Khan, Aged About 61 Years, R/o Ward No. 16, In front of 20 Kholi, Sukiudana, Chhindwara (MP), District West Nimar, Madhya Pradesh.
  42. Bhagya Shree Govardhan, W/o Late Ashok Gowardhan, Aged About 74 Years, R/o House No. 772, Ward No. 06, In front of Garima Press Tilaknagar, Bilaspur (C.G.)- 495001.
  43. Kumari Bai Soni, W/o Late Ramesh Soni, Aged About 81 Years, R/o Purana Katchehri Marg, Ward No. 13, Kawardha, District- Kabirdham (C.G.)
  44. Itwara, W/o Late Chhatu Lal, Aged About 50 Years, R/o Jawalpur, Janjgir-Champa, District- Janjgir-Champa (C.G.)- 495559.
  45. Laxminarayan Sharma, S/o Salik Ram Sharma, Aged About 67 Years, R/o 52/1466 Chandrashekhar Nagar Near Payal Kirana Store Sudhir Mukharji Ward 65 Raipur, District- Raipur (C.G.)- 492001.
  46. Shanti Bai Jari, W/o Late Krishna Jari, Aged About 83 Years, R/o Ward No. 17, Hikmi Para, Jagdalpur, District- Bastar (C.G.)- 494001.
  47. Mahendra Kaur Badal, W/o Late Mahendar Badal, Aged About 59 Years, R/o - 2, Shankar Nagar Gramin, Nagri, District- Dhamtari (C.G.)- 493778.
  48. Kumari Bai Soni, W/o Late Ramesh Soni, Aged About 81 Years, R/o Purana Kutcheri Marg, Ward No. 13, Kawardha, District- Kabirdham (C.G.)
  49. Santosh Soni, S/o Naval Kishor Soni, Aged About 57 Years, R/o House No. 23, Ward No. 6 Sonar Para Champa, District- Janjgir-Champa (C.G.)
  50. Badri Prasad Dewangan, S/o Dwarika Prasad Dewangan, Aged About 66 Years, R/o Jawalpur, District- Janjgir-Champa (C.G.)
  51. Amita Sharma, W/o Om Prakash Sharma, Aged About 55 Years, R/o Rohinipuram, Alakhnanda Apartment Gol Chowk, Raipur (C.G.)
  52. Kishan Chandrakar, S/o Sawant Chandrakar, Aged About 68 Years, R/o



- Ward No. 22 Kailash Nagar, Station Para, Dhamdha Nagar, District-Durg (C.G.)
53. Prabhakar Girdhar, S/o Yado Rao Girdhar, Aged About 75 Years, R/o H.No. 62, Opposite Post Office Ward No. 12, Narsingh Ward Dongargarh, Rajnandgaon (C.G.)
  54. Vivek Govind Surange, S/o Govind Vasudev Surange, Aged About 64 Years, R/o Block No.2, Flat No 31, Housing Board Colony Kachna Road, Khamardih, Shankar Nagar, Raipur (C.G.)
  55. Jayant Tapas, S/o Dinkar Tapas, Aged About 61 Years, R/o H.No. 15/387, Tapas Bhawan, Jawahar Nagar Raipur (C.G.)
  56. Bahorsingh Kashyap, S/o Bhadur Singh Kashyap, Aged About 80 Years, R/o Jawalpur, District- Janjgir-Champa (C.G.)
  57. Manilal Chandrakar, S/o Daulal Chandrakar, Aged About 66 Years, R/o H. No. 1/3 Ward No. 1 Khamhariya, District- Mahasamund (C.G.)
  58. Avdhutika Anand Suchita Acharya, D/o Ramanand Sukla, Aged About 70 Years, R/o Bajrang Mandir Chowk, Raipur (C.G.)
  59. Raman Lal Agrawal, S/o Radheshyam Agrawal, Aged About 82 Years, R/o Gopal, D-1, Nayapara Ward, Krishna Nagar, Bhatapara, District-Balodabazar (C.G.)
  60. Dev Prasad Tiwari, S/o Kaushal Prasad Tiwari, Aged About 65 Years, R/o 125 Ghivra, Janjgir-Champa, District- Janjgir-Champa (C.G.)
  61. Rupa Devi Soni, W/o Late Sitaram Kaushal, Aged About 75 Years, R/o Old Bus Stand Imlipara, Arvind Kirana Shop Lane, Bilaspur (C.G.)
  62. Harish Lunia, S/o Dharmi Chand Lunia, Aged About 62 Years, Mahamaya Ward No. 6, Lohramarg, District- Kawardha, (C.G.)- 491995.
  63. Gaffar Khan, S/o Late Jabbar Khan, Aged About 67 Years, Noorani Chowk, Raja Talab, Raipur (C.G.)
  64. Prem Prasad Gupta, S/o Bhuneshwar Sav, Aged About 59 Years, R/o 71, Karbala Road Jashpur, Ward No. 07, District- Jashpur (C.G.)
  65. Lochan Ram Sahu, S/o Gayaram Sahu, Aged About 61 Years, R/o Panduka, Kutena, Bindranavagarh, Raipur (C.G.)
  66. Lakhanlal Pathik alias Anand Murti (Sanyasi), S/o Johan Lal, Aged About 73 Years, R/o Behind Radhaswami Satsang, Village- Rudri, Dhamtari (C.G.)
  67. Arun Kumar Sharma, S/o Late Narayan Sharma, Aged About 65 Years, R/o Mother Teresa Ward, B-90, Jagdalpur, District- Bastar (C.G.)
  68. Dwarika Jaiswal, S/o Late Ramprasad Jaiswal, Aged About 72 Years, R/o Lane No. 25, Vivekanand Ward, Ward No. 10, Mungeli (C.G.)
  69. Dr. Prem Kumar Verma, S/o Devkinandan Verma, Aged About 85 Years, R/o Main Road Pulpara, Sardar Patel Ward Mungeli (C.G.)
  70. Radheshyam Sharma, S/o Late Keshav Prasad Sharma, Aged About 79 Years, R/o 62, Ward No. 7, Shastri Chowk, Railway Station Road Akaltara, District- Janjgir-Champa (C.G.)
  71. Charan Singh Agrawal, S/o Late Amilal Agrawal, Aged About 78 Years, R/o Ward No. 16 Main Road Line, Shivanandpur, Bishrampur, Shivanandpur alias Omkarbahara, Surajpur (C.G.)



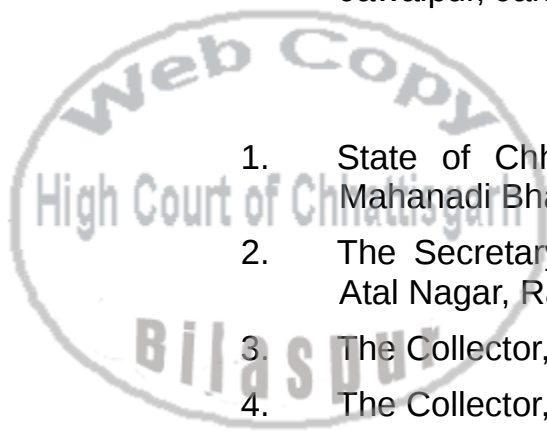
72. Sharda Prasad Sharma, S/o Durga Prasad Sharma, Aged About 87 Years, R/o 26/714, Baniyapara, Ward No. 61, Purani Basti, Bindranavagarh Raipur, District- Raipur (C.G.)
73. Satrupa Kahyap, W/o Late Bhagwat Prasad, Aged About 69 Years, R/o Ghivra, District- Janjgir-Champa (C.G.)
74. Ashok Shesh, S/o Ganpat Rao Shesh, Aged About 73 Years, R/o House No. 1/07, Guru Teg Bhadur Nagar, Newpurena, Purenaamlidih, Ravigram Raipur (C.G.)
75. Amita Jaiswal, W/o Late Kiran Kishor Jaiswal, Aged About 61 Years, R/o 325, Pt. Dindyal Upadhyay Ward, Ajad Chowk, Jagdalpur, District- Bastar (C.G.)
76. Vijaya Deshpande, W/o Late Vasant Deshpande, Aged About 79 Years, R/o MD-40, Housing Board Colony Kota, Ravishankar University Raipur (C.G.)
77. Hridaynarayan Nirvani, S/o Baladas Nirvani, Aged About 60 Years, R/o Nirvanigali Ward No. 6, District- Bemetara (C.G.)
78. Vishwanath Ram, S/o Dokhar Ram Aged About 69 Years, R/o 03 Infront of Aara Mill Gada Katta, Kunkuri, Ward No. 1 Jashpur (C.G.)
79. Mewa Bai Sahu, W/o Late Tijau Ram Sahu, Aged About 75 Years, R/o Jawalpur, Janjgir-Champa, District- Janjgir-Champa (C.G.)

---- Petitioners

**Versus**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. The Secretary General Administrative Department Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
3. The Collector, District- Jashpur (C.G.)
4. The Collector, District- Durg (C.G.)
5. The Collector, District- Raipur (C.G.)
6. The Collector, District- Raigarh (C.G.)
7. The Collector, District- Bilaspur (C.G.)
8. The Collector, District- Kabirdham (C.G.)
9. The Collector, District- Janjgir-Champa (C.G.)
10. The Collector, District- Rajnandgaon (C.G.)
11. The Collector, District- Bastar (C.G.)
12. The Collector, District- Mahasamund (C.G.)
13. The Collector, District- Kawardha (C.G.)
14. The Collector, District- Dhamtari (C.G.)
15. The Collector, District- Surajpur (C.G.)
16. The Collector, District Mungeli (C.G.)
17. The Collector, District- Ambikapur (C.G.)

---- Respondents





and

**WA No. 416 of 2021**

1. State of Chhattisgarh, Through The Principal Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
2. The Secretary, General Administrative Department, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur (C.G.)
3. The Collector, District- Raipur (C.G.)

**---- Appellants**

**Versus**

Chandrashekhar Alias Malu Ram Sharma, S/o Late Shri Ram Kumar Sharma, Aged About 80 Years, R/o Near Subhash Chowk, Neora, Tilda Neora, Raipur, District- Raipur (C.G.)

**---- Respondent**

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Mr. Satish Chandra Verma, : In WA Nos. 209, 210, 221, 223, 224, Advocate General alongwith Mr. 226, 229, 244, 289, 313, 320, 325, 328, Jitendra Pali, Deputy Advocate 343, 346, 357, 358, 361, 362, 364, 366, General as well as Mr. Siddharth 367, 368, 369, 370, 371, 372, 373, 376, Dubey, Deputy Government 391, 392, 393, 395, 396, 401, 402, 403, Advocate for the State/appellants 404, 405, 406 & 416 of 2021 as well as for respondents in WPC Nos. 1580, 83, 2041, 2474 & 4805 of 2021.

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Mr. Mahendra Dubey, counsel for : In WPC Nos. 83 & 2474 of 2021 the appellants

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Mr. Upendra Nath Awasthy, Senior : In WA Nos. 209, 221, 224, 226, 229, counsel alongwith Ms. Supriya 289, 325, 328, 346, 357, 358, 361, 364, Upasne, counsel for the 370, 372, 373, 376, 391, 395, 396, 401, respondents 404, 405, 406 & 416 of 2021 and for the petitioners in WPC Nos. 1580, 2041 & 4805 of 2021.

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Mr. Amiya Kant Tiwari, counsel for : In WA No. 210 of 2021 the respondent

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Mr. Ranbir Singh Marhas, counsel : In WA Nos. 223 & 371 of 2021. for the respondent

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Mr. Abhishek Saraf, counsel for : In WA Nos. 244, 313, 362, 366, 369, the respondent 392 & 402 of 2021.

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Mr. Anurag Jha, counsel for the : In WA No. 320 of 2021. respondent

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Mr. Yogesh Kumar Chandra, : In WA Nos. 343 & 367 of 2021.  
counsel for the respondents

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Mr. Rakesh Pandey, counsel for : In WA No. 393 of 2021.  
the respondent

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Mr. Bharat Gulbani & Mr. Galib : In WA Nos. 368 & 403 of 2021.  
Dwivedi, counsel for the  
respondent

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Mr. Raj Kumar Gupta, counsel for : In WA No. 368 of 2021, WPC Nos. 83 &  
the respondent - Accountant 2474 of 2021.  
General

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**Date of Hearing : 06.12.2021**

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**Date of Judgment : 25.01.2022**

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**Hon'ble Shri Arup Kumar Goswami, Chief Justice**

**Hon'ble Shri Narendra Kumar Vyas, Judge**

**C.A.V. Judgment / Order**

**Per Narendra Kumar Vyas, Judge**

1. This batch of writ appeals are preferred against the order dated 26.05.2020, passed in WPC No.152 of 2020 and the order dated 04.12.2020 passed in Review Petition No.146 of 2020 and other connected cases.

2. In WPC Nos. 1580 of 2021, 2041 of 2021 and 4805 of 2021, challenge is mounted to the Notifications dated 23.01.2020 and 29.07.2020, whereas, in WPC Nos. 83 of 2021 and 2474 of 2021, challenge is made only to the Notification dated 29.07.2020.

3. The State Government had framed rules styled as “**Loknayak Jaiprakash Narayan (MISA/D.I.R. Rajnaitik Ya Samajik Karno Se Nirudha Vyakti) Samman Nidhi Niyam, 2008**” (for short, ‘Niyam, 2008’)



under which monetary allowance is granted to the persons who had undergone detention during the emergency period of 1975 – 1977.

4. While benefit of the aforesaid Niyam, 2008 was being granted ever since the Niyam, 2008 was brought into force, the State/respondents stopped release of allowance from January, 2019 onwards in view of an order dated 28.01.2019 issued by the General Administration Department, Government of Chhattisgarh.

5. Such stoppage of allowance gave rise to filing of a number of writ petitions. Challenge therein, primarily, was to the aforesaid order dated 28.01.2019 and in few cases, appropriate directions were sought for to the respondents to make payment of monetary allowance which were paid till January, 2019.

6. While the writ petitions were pending disposal, by Notification dated 23.01.2020, the State Government repealed the Niyam, 2008 with effect from 23.01.2020. However, the said Notification dated 23.01.2020 was not assailed either by amending the writ petitions or by independently assailing the same before disposal of the writ petitions, by order dated 26.05.2020.

7. The learned Single Judge, in that view of the matter, confined adjudication of the proceedings only to the extent as to whether the respondents in the writ petitions could have stopped the payment of allowance by order dated 28.01.2019 and as to whether the petitioners would be entitled to the allowance from the date it has been stopped till the Niyam, 2008 was repealed by Notification dated 23.01.2020.



8. The learned Single Judge, on perusal of the order dated 28.01.2019, opined that the said order did not intend to stop the payment to the 'democratic fighters', but the same was issued to make the process of payment of '**Samman Nidhi**' in the financial year more effective, smooth and transparent and it is with that objective, the said order was passed.

9. On consideration of the materials on record, the learned Single Judge held that no scrutiny or further enquiry was made with regard to any of the petitioners and on the contrary, the Niyam, 2008 was repealed by Notification dated 23.01.2020. The learned Single Judge held that the order dated 28.01.2019 by which the State Government decided to withhold the monthly pension to the writ petitioners is not sustainable in law and accordingly, directed that payments for the period from January, 2019 to 23.01.2020 be made to each of the petitioners within a period of 90 days from the date of receipt of the order.

10. Initially, against the said order dated 26.05.2020 in respect of WPC No. 88 of 2020, a writ appeal was filed being W.A. No. 333 of 2020. The said writ appeal was disposed of on 24.08.2020 on permission being sought to withdraw the appeal by the learned Advocate General without prejudice to the rights and contentions of the Government to initiate appropriate proceedings before the learned Single Judge.

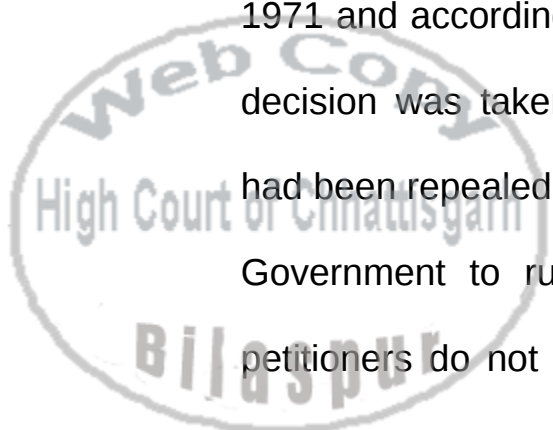
11. A perusal of the order dated 24.08.2020 would go to show that the contentions were advanced by the learned Advocate General that a clarificatory order was issued on 29.07.2020 providing that the Niyam,



2008 stood repealed from January, 2019 itself. Pursuant to withdrawal of the writ appeal, Review Petition No. 146 of 2020 was preferred, which came to be dismissed by order dated 04.12.2020.

12. As noted earlier, these Notifications dated 23.01.2020 and 29.07.2020 are the subject matters of challenge in WPC Nos. 1580 of 2021, 2041 of 2021 and 4805 of 2021 and Notification dated 29.07.2020 is challenged in WPC Nos. 83 of 2021 and 2474 of 2021.

13. Mr. Satish Chandra Verma, learned Advocate General submitted that the Niyam, 2008 was not in accordance with Maintenance of Internal Security Act, 1971 (for short, 'MISA Act, 1971') or Defence of India Act, 1971 and accordingly, the payment of allowance was put on hold till final decision was taken and thereafter on due consideration, Niyam, 2008 had been repealed. It is submitted that it is the sole discretion of the State Government to run any scheme or to stop the same and the writ petitioners do not have any statutory right to claim allowance. Learned Advocate General submits that the Notification dated 29.07.2020 was merely a clarificatory notification making it clear that Niyam, 2008 would stand repealed with effect from January, 2019, when it was decided to stop payment of allowance to the writ petitioners. Learned Advocate General submits that the Niyam, 2008 was made by way of executive instructions and on evaluation of the entire policy, it was found that there was no public interest involved in making the Niyam, 2008 and therefore, decision was taken to repeal the same. Learned Advocate General submits that payment of allowance to the writ petitioners for the reason of being detained under MISA Act, 1971 or Defence of India Act, 1971





amounts to frustrating the purpose and purport of the aforesaid statutes. That apart, MISA Act, 1971 does not contain any provision for framing rules such as the Niyam, 2008. It is contended that any benefit granted on the strength of the executive instruction can be taken away by issuing another executive instruction, which is precisely what was done in the instant case and the learned Single Judge failed to consider these aspects of the matter. In substance, it is submitted that there was no public interest involved in framing the Niyam, 2008 and as grant of such allowance had caused financial burden to the State Government, the State Government decided to repeal the Niyam, 2008.

14. It is further contended that on going through the Niyam, 2008, it is clear that there is no such public interest involved in making the Niyam, 2008. It has been framed to give benefit to a particular class ignoring the interest of public at large and therefore, the State authorities had no option but to stop the benefits under aforesaid policy vide order dated 28.01.2019 and thereafter, it has been cancelled vide Notification dated 23.01.2020. Later on, repeal was given retrospective effect from January, 2019 vide Notification dated 29.07.2020. The benefits which have been given through executive instruction to the writ petitioners can be stopped by the State Government at any time by way of another executive instructions, which was done by the State under its powers. Thus, the writ petitioners cannot challenge the powers and authority of the State Government.

15. Learned Advocate General, while justifying the action on the part of the State to repeal the Niyam, 2008, submits that the scheme was in violation of the MISA Act, 1971 and since the State has legislative power



to enact the Samman Nidhi, therefore, the repealing of the Niyam, 2008 is well within the competence of the State. It is further contended that the MISA Act, 1971 was enacted by the Central Government to provide for detention in certain cases for the purpose of maintenance of internal security and matters connected therewith.

16. Learned Advocate General, while praying for quashing of the order passed in batch of writ petitions, refers to the judgment rendered by Hon'ble Supreme Court in ***Tamil Nadu Electricity Board & another v. Status Spinning Mills Limited & another***, reported in ***(2008) 7 SCC 353***, and submits that a clarificatory order can be given retrospective effect as it can throw light on substantive provision by principle of *contermoranea expositio*, with particular reference to paragraph 29 of the judgment wherein the Hon'ble Supreme Court has held as under:-

“29. The clarification issued by the State during pendency of the appeals should have, therefore, been considered by the High Court in its proper perspective. If it is clarificatory in nature, it could be given a retrospective operation. Such a question, however, should have been posed and answered. Furthermore, the letter dated 1.08.1997 was issued as some confusion arose. When a subordinate legislation is made by the State Government, it must be done in terms of the constitutional provision. An executive order is also issued keeping in view the rules and



executive business. It may not have the force of law but the same may come within the purview of the well-known principle of *contemporaneous expositio*. Rules of executive construction are also relevant.”

17. He further submits that it is well within the competence of the Government to issue the clarificatory notification and at the same time, there is no vested right of the petitioners to claim benefit of the Niyam, 2008, which is even evident from the pleadings and from Notification dated 23.01.2020 by which the Niyam, 2008 has been repealed.

18. The Learned Advocate General refers to the judgment rendered by the Hon'ble Supreme Court in **Reepak Kansal v. Union of India & others**, [Writ Petition (Civil) No. 554 of 2021 with 539 of 2021, decided on 30.06.2021)], reported in **AIR 2021 SC 3198**, whereby the scope of judicial review with respect to the policy matters have been examined.

19. Learned Advocate General for the State submits that the subsequent Notification dated 29.07.2020 would not amount to nullifying the judgment passed by learned Single Judge as it is a clarificatory order which is permissible under the law and in support thereof, he refers to the judgment passed by the Hon'ble Supreme Court in **Cheviti Venkanna Yadav v. State of Telangana & other**, reported in **(2017) 1 SCC 283**.

20. The learned Advocate General also submits that since the Niyam, 2008 has already been repealed, the learned Single Judge should not have granted the benefit to the writ petitioners in the writ petitions out of which the appeals arise from January, 2019 and therefore, the writ appeals filed by the State deserve to be allowed, and the writ petitions



filed by the petitioners are liable to be dismissed.

21. Mr. Upendra Nath Awasthy, learned senior counsel, who has led the arguments on behalf of the recipients of 'Samman Nidhi', has supported the reasoning assigned by the learned Single Judge in directing payment for the period from January, 2019 to 23.01.2020. It is submitted that 'Samman Nidhi' was withheld by the State Government without any reasonable justification as the payments were made after due verification by the competent committee consisting of In-charge Minister (Chairman), District Magistrate (Member Secretary), Superintendent of Police (Member) & Jail Superintendent (Member) and as such, the same was arbitrary and colourable exercise of power. Though ostensible reason for issuing the order dated 28.01.2019 was for undertaking an exercise for effective and smooth disbursement of allowance, no further action was taken such as scrutinizing or streamlining the process and later on Niyam, 2008 was repealed by Notification dated 23.01.2020. It is submitted that Notification dated 29.07.2020, by which repeal of the Niyam, 2008 was given retrospective effect from 28.01.2019, is not sustainable in law and the said Notification was issued only to frustrate the order of this Court and on political considerations, without there being any reasonable basis for nullifying the Niyam, 2008.

22. It has been further contended by Mr. Awasthy, learned senior counsel and Mr. Mahendra Dubey, learned counsel for the writ petitioners that the order dated 23.01.2020 has been issued after passing of the interim order by this Court on 14.01.2020 by which this Court has directed for payment of Samman Nidhi. Thereafter, the order dated



29.07.2020 was issued, and therefore, it is crystal clear that the order has been issued to nullify the order passed by the learned Single Judge. It has been further contended by the learned counsel for the petitioners that the State has not placed any material on record before this Court as to what deliberation and discussion have been carried out by the State to cancel the Niyam, 2008 and benefit granted to the petitioners have been withdrawn without any rhyme or reason. It is incumbent on the part of the State to place on record the decision making process to cancel the Niyam, 2008 vide its Notification dated 23.01.2020 and subsequent Notification dated 29.07.2020 giving retrospective effect from January, 2019. In absence of any material being placed on record by the State, it may be held that without deliberation and with *malafide* intention, the impugned Notifications have been issued, he submits.

23. Mr. Awasthy, learned counsel for the petitioners places reliance upon the judgments rendered by Hon'ble the Supreme Court in **Govt. of India v. George Philip**, reported in **AIR 2007 SC 705** and the judgment passed by the Hon'ble Supreme Court in **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & others**, reported in **AIR 2006 SC 212**. He also refers to the judgment passed by Allahabad High Court, Lucknow Bench in **Uttar Pradesh Loktantra Rakshak Senani Kalyan Samiti Sitapur v. State of Uttar Pradesh**, passed in Writ Petitions No. 11590 of 2010 connected with Nos. 4200 (MB) of 2010 and 4205 (MB) of 2010, the judgment rendered by High Court of Rajasthan in **Shanti Lal Jain & another v. State of Rajasthan & another**, passed in D.B. Civil Writ Petition (P.I.L.) No. 5785/2015 and the judgment rendered by High Court



of Patna in ***Ravishankar Kumar Akela v. State of Bihar*** passed in CWJ No. 7472 of 2009 and prays for dismissal of the writ appeals.

24. The other learned counsel had adopted the arguments of Mr. Upendra Nath Awasthy.

25. We have considered the submissions made by learned counsel for the parties and have perused the materials placed on record.

26. Taking note of the aforesaid factual matrix, the points emerged for determination by this Court are: (i) Whether by the subsequent notification dated 29.07.2020 Niyam, 2008 could have repealed retrospectively from January, 2019 and whether the same would amount to nullifying the order passed by learned Single Judge dated 26.05.2020?

(ii) Whether the State was justified in repealing the Niyam, 2008 without assigning any reason and whether this Court can interfere in policy matter?

27. Before advertng to the points raised in the appeal as well as in the writ petition, it is necessary for this Court to extract the Gazette notifications dated 23.01.2020 & 29.07.2020, which are extracted below:-

“अधिसूचना दिनांक 23.01.2020— क्रमांक एफ 7-9/2008/1-7.— राज्य सरकार, एतद् द्वारा, समसंख्यक अधिसूचना दिनांक 5 अगस्त, 2008 द्वारा भारत में घोषित आपातकाल दिनांक 25 जून, 1975 से 31 मार्च, 1977 की कालावधि के दौरान छत्तीसगढ़ के राजनैतिक या सामाजिक कारणों से मीसा/डी.आई.आर. के अधीन निरुद्ध व्यक्तियों को सहायता देने के लिये बनाये गये “लोकनायक जयप्रकाश नारायण (मीसा/डी.आई.आर. राजनैतिक या सामाजिक कारणों



से निरुद्ध व्यक्ति) सम्मान निधि नियम, 2008” को निरसित करता है।”

**“अधिसूचना दिनांक 29.07.2020—** क्रमांक एफ 7-9/2008/1-7.— राज्य सरकार, एतद् द्वारा, “लोकनायक जयप्रकाश नारायण (मीसा/डी.आई.आर. राजनैतिक या सामाजिक कारणों से निरुद्ध व्यक्ति) सम्मान निधि नियम, 2008” को समसंख्यक अधिसूचना दिनांक 23-01-2020 के द्वारा निरसित किया गया था राज्य सरकार, एतद् द्वारा, उक्त निरसन दिनांक को संशोधित करते हुए, लोकनायक जयप्रकाश नारायण (मीसा/डी.आई.आर. राजनैतिक या सामाजिक कारणों से निरुद्ध व्यक्ति) सम्मान निधि नियम, 2008” को जनवरी, 2019 से निरसित करता है।”

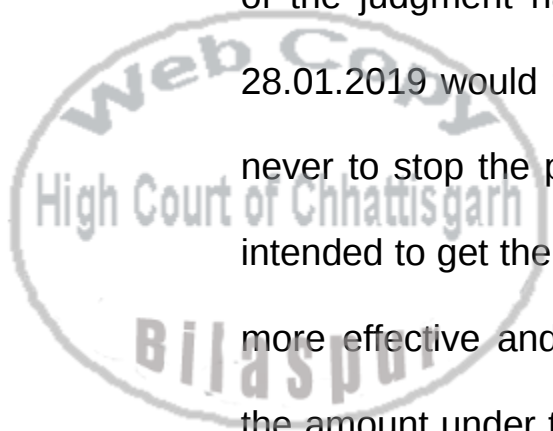
28. The record would show that earlier, the Samman Nidhi was withheld subject to scrutiny or verification with regard to entitlement of the candidate, but the State has not placed any material on record objecting the entitlement of writ petitioners to get Samman Nidhi, but it has been cancelled during pendency of the writ petitions vide order dated 23.01.2020 and thereafter, vide Notification dated 29.07.2020 has repealed the Niyam, 2008. This would clearly establish that the subsequent Notification dated 29.07.2020 is nothing but an attempt to nullify the order passed by learned Single Judge dated 26.05.2020, which was issued in favour of the writ petitioners and therefore, the Notification dated 29.07.2020 cannot remove the defects pointed out by the learned Single Judge in its judgment. By the impugned Notification, the appellants have attempted to discard the judgment passed by learned Single Judge and to defeat the right which has accrued to the writ petitioners on the basis of the order of learned Single Judge. By the impugned Notification,



the State has taken away either directly or indirectly the right accrued in favour of the writ petitioners, which is nothing but amounting to nullify the order of learned Single Judge. It is a well-settled legal position that the legislature cannot declare any decision of a Court of law to be void or of no effect. It is also well-settled that it can remove the defects of law pointed out by the Court and Court decision must always be binding unless the condition on which it is based is so fundamentally altered that the decision could not be given effect to in such an altered circumstance.

29. Perusal of the judgment passed by learned Single Judge dated 26.05.2020 goes to show that the learned Single Judge, in paragraph 18 of the judgment has observed that a plain reading of the order dated 28.01.2019 would reveal that the intention of the State Government was never to stop the payment being made to the writ petitioners and that it intended to get the scheme and the claimants scrutinized so as to ensure more effective and transparent implementation and also to ensure that the amount under the said scheme does not fall in the hands of persons, who are not otherwise entitled for the same under the rules. The appellants vide Notification dated 29.07.2020 have given retrospective effect to Notification dated 23.01.2020 by which the scheme has been cancelled w.e.f. January, 2019. This clearly amounts to nullifying the order of the learned Single Judge passed on 26.05.2020 and the same does not amount to clarification of the order dated 23.01.2020.

30. It is a well-settled proposition of law that the clarification means to clarify the things, if there is any ambiguity. In the Notification dated 23.01.2020, there was no ambiguity and it is well-settled interpretation of





statutes that notification will be given effect to from the date it is made effective. In the present case, Notification was issued on 23.01.2020. Therefore, it will be effective from 23.01.2020. Thus, by subsequent Notification dated 29.07.2020, it has been given retrospective effect from 28.01.2019, which amounts to nullifying the order passed by learned Single Judge of this Court. Therefore, giving retrospectivity by the Notification dated 29.07.2020 is against the judgment rendered by this Court. The Hon'ble Supreme Court in ***Medical Council of India v. State of Kerala & others***, reported in **(2019) 13 SCC 185**, observed as under:-

“27. The Court has also observed in *Cauvery Water Disputes Tribunal, In re* [(1993) Supp. (1) SCC 96 (2)] (supra) that if the exercise of the power of judicial review can be set at naught by the State Government by overriding the decision given against it, it would sound the death knell of the rule of law. The rule of law would be meaningless as it would be open to the State Government to defy the law and yet get away with it.

126.5. The doctrine of separation of powers applies to the final judgments of the courts. The legislature cannot declare any decision of a court of law to be void or of no effect. It can, however, pass an amending Act to remedy the defects pointed out by a court of law or on coming to know of it aliunde. In other words, a court's decision must always bind unless the conditions



on which it is based are so fundamentally altered that the decision could not have been given in the altered circumstances.

126.6. If the legislature has the power over the subject-matter and competence to make a validating law, it can at any time make such a validating law and make it retrospective. The validity of a validating law, therefore, depends upon whether the legislature possesses the competence which it claims over the subject-matter and whether in making the validation law it removes the defect which the courts had found in the existing law.

126.7. The law enacted by the legislature may apparently seem to be within its competence but yet in substance, if it is shown as an attempt to interfere with the judicial process, such law may be invalidated being in breach of doctrine of separation of powers. In such situation, the legal effect of the law on a judgment or a judicial proceeding must be examined closely, having regard to legislative prescription or direction. The questions to be asked are:

- (i) Does the legislative prescription or



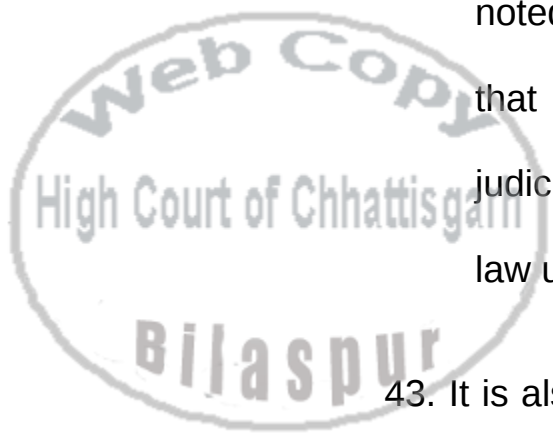


legislative direction interfere with the judicial functions?

(ii) Is the legislation targeted at the decided case or whether impugned law requires its application to a case already finally decided?

(iii) What are the terms of law; the issues with which it deals and the nature of the judgment that has attained finality? If the answer to Questions (i) and (ii) is in the affirmative and the consideration of aspects noted in Question (iii) sufficiently establishes that the impugned law interferes with the judicial functions, the Court may declare the law unconstitutional.”

43. It is also apparent that what the State Government has done by way of impugned Ordinance is not only impermissible and beyond legislative competence it also has the effect of perpetuating illegality and arbitrariness committed by the colleges in question by not following the mandate of law laid down by the High Court as affirmed by this Court. An effort has been made to cover up the arbitrariness and illegality in an illegal and impermissible manner for which the State Government had no competence. The provisions made





in the Ordinance are otherwise also quite illegal and arbitrary besides in violation of the doctrine of separation of powers enshrined under Article 50 of the Constitution of India.

31. From the above stated legal proposition and considering the facts of the case, it is quite clear that the Gazette Notification dated 29.07.2020 is not clarificatory to the earlier Notification dated 23.01.2020, but an annulment of judgment passed by the Single Bench of this Court on 26.05.2020, which is not permissible in law and accordingly, the Notification dated 29.07.2020 is liable to be and is hereby quashed.

Point No. (ii)

32. It is not in dispute that the State has framed the Niyam, 2008 exercising the powers conferred under Article 162 of the Constitution of India and there is no provision under the law to grant monetary benefit to the writ petitioners, who have suffered during the emergency for the period from 1975 to 1977. However, the State, while repealing the Samman Nidhi, has not placed any material before this Court to show that before taking any final decision, there was any deliberation or discussion, though it is a policy decision of the State Government.

33. The judgments cited by Mr. Awasthy, learned senior counsel for the petitioners are not applicable to the facts of the present case as in ***Uttar Pradesh Loktantra Rakshak Senani Kalyan Samiti Sitapur*** (supra), the benefit was denied by wrong interpretation of the rules and



therefore, the Division Bench quashed the order and directed to grant consequential benefits. The judgment cited in ***Shanti Lal Jain*** (supra), is also not applicable as in that case, PIL was filed challenging granting of benefit to the persons who have suffered during the period of emergency. Therefore, the Division Bench held that it is a policy decision of the State to grant benefit to them. But in the present case, the whole scheme has been cancelled. Therefore, the aforesaid judgment cited by the learned counsel for the petitioner is distinguishable from the facts of the present case.

34. In ***Ravishankar Kumar Akela*** (supra), the scheme was challenged by the petitioner and the Division Bench, after appreciating the rules, held that it is a policy decision of the Government and accordingly, dismissed the PIL, whereas in the present case, the State has cancelled the Niyam, 2008 itself. Therefore, this Court has to examine the validity of the decision taken by the State and as such, the judgment cited by the learned senior counsel for the petitioners is not applicable to the facts and circumstances of the present case.

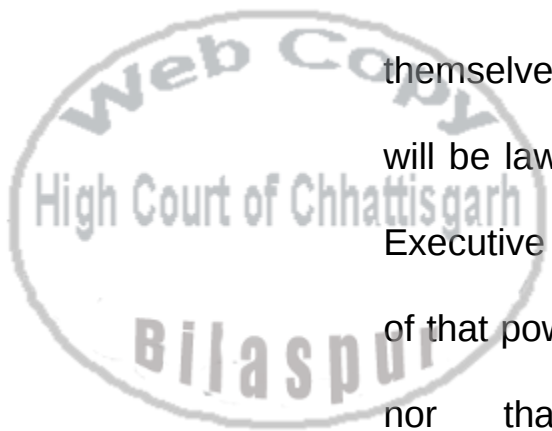
35. The State Government has not placed on record for consideration of this Court before repealing as to whether there was any deliberation or discussion for repealing Niyam, 2008 so as to enable the Court to examine the decision making process of the State. In absence of any material, this Court can very well take note of the fact that the decision making process suffers from non-consideration of relevant material or they have considered the materials which were irrelevant.



This Court can definitely annul the decision taken by the State and can very well direct the State to take a fresh decision after considering the material or relevant facts for reaching a final conclusion.

36. The Hon'ble Supreme Court in ***M/s. Hochtief Gammon v. State of Orissa & others***, reported in **(1975) 2 SCC 649**, has held as under:-

“13. The Executive have to reach their decisions by taking into account relevant considerations. They should not refuse to consider relevant matter nor should they take into account wholly irrelevant or extraneous considerations. They should not misdirect themselves on a point of law. Only such a decision will be lawful. The Courts have power to see that the Executive acts lawfully. It is no answer to the exercise of that power to say that the Executive acted bone fide nor that they have bestowed painstaking consideration. They cannot avoid scrutiny by courts by failing to give reason. If they give reasons and they are not good reasons, the court can direct them to reconsider the matter in the light of relevant matters though the propriety, adequacy or satisfactory character of these reasons may not be open to judicial scrutiny. Even if the Executive considers it inexpedient to exercise their powers they should state their reasons and there must be material to show that





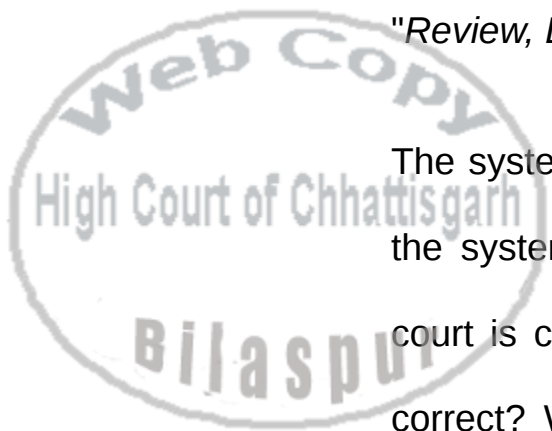
they have considered all the relevant facts.”

37. It is well-settled by the Hon'ble Supreme Court that the Court cannot interfere with the policy decision but can certainly interfere with the decision making process, if the Court finds that there is no material or irrelevant material has been considered by the Government while taking decision. The Hon'ble Supreme Court in ***State of U.P. & another v. Johri Mal***, reported in ***(2004) 4 SCC 714***, has held as under:-

“29. In *Wade's Administrative Law*, 8th edition at pages 33-35, it is stated:

*"Review, Legality and discretion*

The system of judicial review is radically different from the system of appeals. When hearing an appeal the court is concerned with the merits of a decision: is it correct? When subjecting some administrative act or order to judicial review, the court is concerned with its legality: is it within the limits of the powers granted? On an appeal the question is 'right or wrong?' On review the question is 'lawful or unlawful?' Rights of appeal are always statutory. Judicial review, on the other hand, is the exercise of the court's inherent power to determine whether action is lawful or not and to award suitable relief. For this no statutory authority is necessary: the court is simply performing its ordinary





functions in order to enforce the law. The basis of judicial review, therefore, is common law. This is none the less true because nearly all cases in administrative law arise under some Act of Parliament. Where the Court quashes an order made by a minister under some Act, it typically uses its common law power to declare that the Act did not entitle the minister to do what he did and that he was in some way exceeding or abusing his powers.

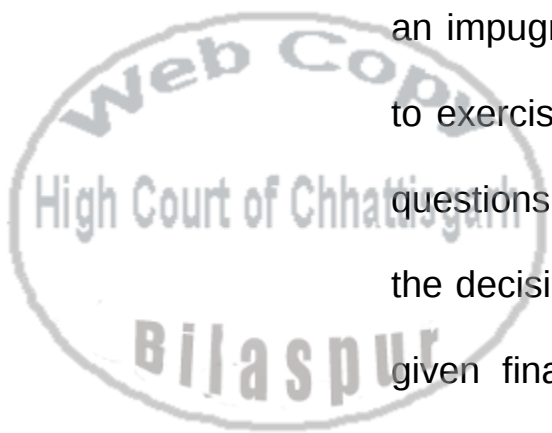
Judicial review thus is a fundamental mechanism for keeping public authorities within due bounds and for upholding the rule of law. Instead of substituting its own decision for that of some other body, as happens when on appeal, the court on review is concerned only with the question whether the act or order under attack should be allowed to stand or not. If the Home Secretary revokes a television licence unlawfully, the court may simply declare that the revocation is null and void. Should the case be one involving breach of duty rather than excess of power, the question will be whether the public authority should be ordered to make good a default. Refusal to issue a television licence to someone entitled to have one would be remedied by an order of the court requiring





the issue of the licence. If administrative action is in excess of power (*ultra vires*), the court has only to quash it or declare it unlawful (these are in effect the same thing) and then no one need pay any attention to it. The minister or tribunal or other authority has in law done nothing, and must make a fresh decision."

30. It is well-settled that while exercising the power of judicial review the Court is more concerned with the decision making process than the merit of the decision itself. In doing so, it is often argued by the defender of an impugned decision that the Court is not competent to exercise its power when there are serious disputed questions of facts; when the decision of the Tribunal or the decision of the fact finding body or the arbitrator is given finality by the statute which governs a given situation or which, by nature of the activity the decision maker's opinion on facts is final. But while examining and scrutinizing the decision making process it becomes inevitable to also appreciate the facts of a given case as otherwise the decision cannot be tested under the grounds of illegality, irrationality or procedural impropriety. How far the court of judicial review can re-appreciate the findings of facts depends on the ground of judicial review. For example, if a





decision is challenged as irrational, it would be well-nigh impossible to record a finding whether a decision is rational or irrational without first evaluating the facts of the case and coming to a plausible conclusion and then testing the decision of the authority on the touchstone of the tests laid down by the Court with special reference to a given case. This position is well settled in Indian administrative law. Therefore, to a limited extent of scrutinizing the decision making process, it is always open to the Court to review the evaluation of facts by the decision-maker.”

38. Thus, this Court can very well reach to a conclusion that the action of the State Government while issuing Notification dated 23.01.2020 (Annexure P/1) and subsequent Notification dated 29.07.2020 (Annexure P/2) suffers from arbitrariness and without any consideration. Therefore, the Notification dated 23.01.2020 (Annexure A/1) and subsequent Notification dated 29.07.2020 (Annexure A/2) are liable to be and are hereby set aside. However, the State is at liberty to take a fresh decision in accordance with law after considering the materials which are relevant for just decision to decide whether the State intends to continue with the Niyam, 2008 or not.

39. In view of the above discussions, we are of the considered opinion that the Writ Appeals filed by the State are liable to be dismissed and are accordingly dismissed. Writ Petitions (C) filed by the petitioners



are partly allowed.

40. Since this Court has set-aside the notification dated 23.01.2020 and subsequent notification dated 29.07.2020, the State Government is directed to continue payment of *Samman Nidhi* till a decision is taken in accordance with law as to whether the State intends to continue with Niyam, 2008 or not.

**Sd/-**  
**(Arup Kumar Goswami)**  
**Chief Justice**

**Sd/-**  
**(Narendra Kumar Vyas)**  
**Judge**

