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2026:CGHC:44422

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3102 of 2026

Mahendra Kumar Ukey S/o Domdu Ji Ukey Aged About 64 Years R/o Ward No. 19, Panchsheel Coloney, Rajnadngaon District- Rajnandgaon, Chhattisgarh
... Petitioner

versus

- 1 - State of Chhattisgarh Through- Secretary School Education Department, Mahanadi Bhawan, Atal Nagar Nawa Raipur District- Raipur, Chhattisgarh
- 2 - Director Directorate of Public Instructions, Indravati Bhawan, Mantralay, Atal Nagar Nawa Raipur District- Raipur, Chhattisgarh
- 3 - Joint Director Directorate of Treasury Accounts and Pension, Durg Division District- Durg, Chhattisgarh
- 4 - Senior Accounts Officer Office of Principal Accountant General, Zero Point, Post- Vidhan Sabha Raipur, District- Raipur, Chhattisgarh
- 5 - District Education Officer Mohla Manpur Ambagarh Chowki, District- Mohla Manpur Ambagarh Chowki, Chhattisgarh
- 6 - Principal Government Higher Secondary School Aundhi, Mohla Manpur Ambagarh Chowki, District- Mohla Manpur Ambagarh Chowki, Chhattisgarh

... Respondents

For Petitioner	:	Ms. Anushka Singh Chouhan, Advocate
For State/Respondent Nos. 1, 2, 3, 5 & 6	:	Mr. Shahil Singh, PL
For Respondent No.4	:	Mr. Rajkumar Gupta, Advocate & Mr. Ankit Bhoi, Advocate on behalf of Mr. J.N. Nande, Advocate

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

14/10/2026

1. The present writ petition has been filed by the petitioner seeking a direction towards the respondent authorities for release of the retiral dues i.e. full pension, gratuity, leave encashment, arrears of pension etc.
2. (A) Learned counsel for the petitioner submits that the petitioner retired from service on 31.05.2023 while working as a Lecturer in the Government Higher Secondary School, Nawagaon, District Mohla-Manpur-Ambagarh-Chowki, Chhattisgarh. It is submitted that, despite his superannuation, the petitioner has been deprived of his admissible retiral dues, including gratuity and leave encashment, and that his pension has also not been released in its entirety.

(B) Learned counsel for the petitioner further submits that the respondents have directed recovery of an amount of ₹4,15,313/- from the petitioner on the ground of alleged excess payment arising out of an erroneous grant of annual increment and consequent refixation of pay. It is submitted that a show-cause notice dated 05.08.2024 was issued to the petitioner, to which he submitted his reply. However, the recovery proceedings are already under challenge in WPS No. 5238 of 2024, which is pending consideration before this Court.

(C) It is further submitted that, although the petitioner was entitled to pension of approximately ₹50,000/- per month, he has been paid pension at the rate of ₹40,000/- per month with effect from 01.01.2025. The petitioner claims arrears of pension and other retiral benefits, including

gratuity of approximately ₹13,00,740/- and leave encashment of approximately ₹3,61,600/-.

3. *Per contra*, learned State counsel opposes the petition and submits that the recovery has been directed pursuant to the objection raised during verification of the petitioner's service records and pay fixation. It is further submitted that the petitioner's retiral dues are being withheld on account of the aforesaid recovery proceedings. Learned State counsel also submits that 90% of the interest payable to the petitioner is being paid, while the remaining amount has been withheld in view of the recovery proceedings.
4. In response, learned counsel for the petitioner, on instructions, submits that the present writ petition may be disposed of by directing the respondents to release the retiral dues payable to the petitioner, after withholding the amount of ₹4,15,313/- towards the recovery in question, without prejudice to the rights and contentions of the parties in the pending writ petition.
5. Considering the submissions made by learned counsel for the parties, and having regard to the fact that the legality of the recovery is already under consideration in WPS No. 5238 of 2024, this Court is of the view that the petitioner's claim for release of retiral dues can be addressed by directing the respondents to release the admissible retiral dues, subject to withholding the amount sought to be recovered.
6. Accordingly, the writ petition is disposed of with a direction to the respondents to release the admissible retiral dues payable to the

petitioner, including gratuity and other admissible benefits, after withholding an amount of ₹4,15,313/-, in view of the aforesaid categorical submission made by the petitioner himself, towards the recovery in question. The aforesaid exercise shall be completed within a period of 60 days from the date of receipt of a copy of this order.

7. It is made clear that the amount so withheld shall remain subject to the final outcome of WPS No. 5238 of 2024. The observations made herein shall not be construed as an expression of opinion on the merits of the challenge to the recovery, which shall be decided independently in the pending proceedings.
8. In the aforesaid terms, the writ petition stands disposed of.

SD/-
(Bibhu Datta Guru)
JUDGE

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