

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6821 of 2014

- Rameshwar Prasad Gayakwad son of Bhukhan Ram Gayakwad, aged about 57 years, R/o Village Bagtuda, P.S. Kasdol, Civil and Revenue District Balodabazar-Bhatapara (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Accountant General of Chhattisgarh State, Raipur (C.G.)
3. Director, School Education Department, Raipur (C.G.)
4. District Education Officer, District Balodabazar-Bhatapara (C.G.)
5. Block Education Officer, Balodabazar, District Balodabazar-Bhatapara (C.G.)

---- Respondents

For Petitioner	: Shri J.K. Shastri, Advocate
For Respondent/State	: Shri Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/06/2015

1. Learned counsel for the parties would jointly submit that in a similar writ petition bearing W.P.(S) No. 1521/2013 '*Smt. Sukhmati Girre Vs. State of Chhattisgarh and others*' co-ordinate Bench of this Court has passed an order on 10/05/2013, therefore, the present writ petition may also be disposed of in the same terms.

2. In W.P.(S) No. 1521/2013 '*Smt. Sukhmati Girre Vs. State of Chhattisgarh and others*' this Court has passed the following order on 10/05/2013 :-

“The grievance of the petitioner as ventilated through this petition is that after retirement and death of the husband of the

petitioner, retiral benefits including G.P.F., Gratuity and Leave Encashment have not been released.

After going through the contents of the petition and documents filed therein, it appears that there are allegations against some of the Government employees that they have made fraudulent withdrawals from the GPF account of husband of the petitioner and many other Government servants. Certain criminal case has already been registered and trial is pending. It appears that because of such dispute and alleged fraudulent withdrawal, GPF account of husband of the petitioner has not been settled and no payment has been made. However, as far as gratuity and other benefits like leave encashment payment are concerned, there is no reason why those amounts should not be released.

The State and respondent No.5 have not filed return in this matter.

It appears that mainly because of the pendency of the criminal case relating to fraudulent withdrawal from GPF account, retiral benefits including G.P.F., Leave Encashment and Gratuity have been withheld.

In the opinion of this Court, there is no rational to withhold other retiral benefits only on the ground of dispute relating to GPF account of the deceased husband of the petitioner. Keeping aside the dispute relating to GPF account, all other dues which may include leave encashment and gratuity should be released.

The entire exercise relating to release of other amounts except GPF payment shall be ensured by respondent authorities within a period of four months from the date of receipt of copy of this order. As far as payment against GPF is concerned, the State authorities shall look into the matter and decide whether it is permissible to make payment during pendency of the criminal case.”

3. Since the matter is reported to be similar, the present writ petition is also disposed of in the above terms.

JUDGE