

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 300 of 2016

D. P. Yadav S/o Jhunau Ram Yadav, Aged About 62 Years R/o Village Ghuru,
Ameri, P.S. Chakarbhata, Civil And Revenue District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, Raipur, (Chhattisgarh)
2. Conservator, Bilaspur Circle, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Divisional Forest Officer, Forest Division Katghora, District Korba, (Chhattisgarh)
4. Special Secretary, State Of Chhattisgarh, General Administration Department, Member Secretary, Pension Nirakar Samiti, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
5. Divisional Joint Director, Treasury, Account And Pension, Bilaspur Division, Bilaspur, (Chhattisgarh)
6. Chhattisgarh State Electricity Distribution Company Limited, Katghora, District Korba, (Chhattisgarh)

---- Respondents

Shri Raghvendra Verma, counsel for the petitioner/s.

Shri Dhiraj Wankhede, Govt. Advocate for the State / respondents 1, 2, 3, 4 and 5.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/07/2016

The petitioner has filed this petition aggrieved on account of withholding of Rs.46,610/- of his gratuity amount.

2. Learned counsel for the petitioner submits that earlier, when a petition was filed before this Court, a direction was issued for consideration of his grievance by the Pension Committee. However, the Pension Committee did not examine the dispute arising on account of electricity bill, in respect of which,

demands are being raised from the petitioner.

3. Learned counsel for the petitioner submits that when the electricity bill was served on the petitioner, he stated that the bill is inflated and in excess of consumption. However, the concerned electricity authorities have not resolved the dispute and without adjudication of this dispute, department is withholding the gratuity amount. He submits that the entire amount ought to be paid to the petitioner and if any recovery is to be made from the petitioner, it could be done only in accordance with law by the electricity authorities.

4. On the other hand, learned State counsel submits that the petitioner was occupying Government accommodation. At the time of his retirement, it was found that the electricity bill of Rs.24,840/- remained unpaid by the petitioner. He submits that if the petitioner has any dispute, he should approach the concerned electricity authorities under the provisions of Electricity Act and Rules and provision made thereunder. However, as the petitioner was occupying Government accommodation, he is required to pay all the outstanding amount, so that, no dues certificate can be issued.

5. The petitioner was occupying Government quarter. There appears to be dispute raised by the petitioner on the allegation that the electricity bill is inflated. It appears that the petitioner has raised a dispute. However, the respondent / department cannot decide the dispute. Such dispute can be resolved by the redressal machinery provided under the Electricity Laws. As far as Government Accommodation is concerned, as the petitioner was occupying Government quarter, payments should be made by the petitioner and dispute may be raised by the petitioner before appropriate adjudicating Forum under the Electricity Laws.

6. In case, the petitioner deposits amount of Rs.24,840/- with the department, the balance amount of gratuity shall be released to the petitioner. The petitioner is left to workout his remedy as against alleged electricity bill.

7. With the aforesaid observation, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge