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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 95 of 2012**

Sukdev Prasad Sahu S/o Ganesh Ram, aged about 62 years R/o village and Post Pawani, Tahsil Baloda Bazar, District Raipur (Now Balodabazar) (Chhattisgarh)

---- Petitioner

Versus

Ganesh Ram Sahu S/o Shri Pyare Lal, Aged about 91 years, R/o Nehru Nagar, Balco, Tahsil and District Korba, Chhattisgarh, C/o Keshav Ram Sahu, House No. 75, Sector-3-A, Balco, Tahsil and District Korba, (Chhattisgarh).

---- Respondent

For Petitioner : Shri P.P.Sahu, Advocate.
For Respondent : None.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****18/11/2016**

1. The Petitioner, by means of this revision petition, has challenged the order of the trial Court only on the ground that he is receiving pension of Rs. 1,368/- per month and is, therefore, not in a position to pay maintenance to his father/Respondent.
2. Admittedly, Petitioner-Sukdev Prasad Sahu, son of the Respondent was employed in Bharat Aluminum Company Limited as an Operator and retired from service on 31.08.2009.
3. Considering the aforesaid facts, on 12.08.2016, this Court had ordered that a communication be sent to the Chief Executive Officer of the Bharat Aluminum Company Limited, Korba to give details of retiral benefits granted to the Petitioner. The report has been received, the relevant portion of which reads as follows:

With reference to above mentioned memo, we wish to inform you that Mr. Sukhdev Prasad Sahu, ex-employee (Employee No. 9592) retired from the services of the Company on 31.08.2009 and the following terminal dues have been paid to him at the time of his retirement:-

S.No	Particular	Amount (In Rs.)
1	Gratuity	2,19,938

2	Leave Encashment	19,824
3	Provident Fund	4,96,799
4	Relocation Expenses	13,050
5	Retirement/Death Relief	30,000
6	Ex-Gratia	18,000
7	Travelling Allowance	2,297

As also that as per the service conditions Mr. Sukhdev Prasad Sahu was eligible for pension under the Employees Provident Funds & Miscellaneous Provisions Act, 1952 and the said pension (including commutation, if any) has been settled by the Regional Provident Fund Commissioner, Raipur (Chhattisgarh) and the details of the same are not available with us."

4. It is thus apparent that the Petitioner received about Rs. 7 Lacs as retiral benefits at the time of his retirement. In addition to that, he was held entitled to pension. It appears that he has got commutation of his pension done and therefore, he is receiving pension of Rs. 1,368/- per month. He cannot refuse to pay the maintenance to his father and he has been ordered to pay a sum of Rs. 1000/- only towards maintenance. He cannot now urge that since his pension is only Rs. 1,368/-, the amount of maintenance to the father be reduced.

5. A son is bound to maintain his parents and he cannot be permitted to circumvent the maintenance order by getting the pension commuted and by withholding from the Court the fact that he has received Rs. 7 Lacs as retiral benefits. The interest on the amount of Rs. 7 Lacs would be more than Rs. 5,000/- per month. Therefore, the order granting maintenance of Rs. 1000/- per month is absolutely just and reasonable, calling for no interference.

6. The revision petition is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE