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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 377 of 2016**

Bhagatram Yadav S/o Shri Aitharam Yadav, Aged about 69 years, R/o Beladula Kharraghat, Raigarh, Tahsil and District Raigarh, Chhattisgarh.

**----Appellant****Versus**

1. State of Chhattisgarh Through the Secretary, PWD Department of Education, Mantralaya, Mahanadi Bhawan, District New Raipur, Chhattisgarh.
2. Executive Engineer, PWD Raigarh, Division Raigarh, Chhattisgarh.
3. Chhetriya Gramin Bank, Raigarh, Through: Branch Manager, Chettriya Gramin Bank, Raigarh, Chhattisgarh.

**---- Respondents**


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For Appellant : Shri Vipin Punjabi, Advocate.  
 For Respondent/State : Shri Y.S.Thakur, Deputy Advocate General.

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**Hon'ble Shri Deepak Gupta, Chief Justice**  
**Hon'ble Shri Sanjay K. Agrawal, J.**

**Judgment on Board****Per Deepak Gupta, Chief Justice.****16/08/2016**

1. This appeal by the writ petitioner is directed against the order dated 15.06.2016 passed by learned Single Judge of this Court in Writ Petition (S) No. 3536 of 2011 whereby the learned Single Judge partly allowed the petition, however rejected the prayer of the Petitioner that the loan amount could not be adjusted against his retiral benefits.
2. The undisputed facts are that the Appellant was an employee of the Public Works Department of the State of Chhattisgarh. He was working as Executive Engineer. He had taken a loan to build a house from the Chhattisgarh Gramin

Bank. He had authorised his employer to clear the dues of the Bank either from his salary or from his retiral benefits.

3. The learned Single Judge rightly held that in aforesaid situation, the Appellant could not claim that the loan amount could not be deducted from his retiral benefits. No doubt, there is a prohibition with regard to deductions from retiral benefits but there is nothing which prevents an employee from waiving his rights and authorising the deduction from his retiral benefits.

4. Secondly, we find that the loan amount is barely about Rs. 1,00,000/- which when compared to the retiral benefits of an Executive Engineer is a very paltry amount. The learned Single Judge has directed that the excess amount of Rs. 75,366/- be refunded to the Appellant alongwith interest.

5. Therefore we find no merit in this appeal. It is accordingly dismissed.

Sd/-  
(Deepak Gupta)  
**CHIEF JUSTICE**

Sd/-  
(Sanjay K. Agrawal)  
**JUDGE**