

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3596 of 2009**

Bhuwneshwar Prasad Sahu, S/o late Shri Chhabhi Prasad Sahu, aged about 63 years, post Retired Upper Division Teacher, R/o Village and Post Loharsi, Block & Tehsil Pamgarh, District Janjgir Champa (CG).

---- **Petitioner**

Versus

1. State of Chhattisgarh through the Collector, Distt. Janjgir Champa (CG).
2. The District Education Officer, Janjgir, District Janjgir Champa (CG).
3. Mr. Kamod Ram Yadav, Block Education Officer, Pamgarh, District Janjgir Champa (CG).

---- **Respondents.**

For Petitioner	:	Shri Alok Dewangan, Advocate.
For Respondent/State	:	Shri Avinash Singh, Panel Lawyer.
For Respondent No.3	:	Ms. Shiksha Verma, Advocate, on behalf of Shri Rajeev Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/04/2017

1. The grievance of the petitioner in the present petition is non releasing of GPF amount and other retiral dues payable to the petitioner.
2. The facts of the case is that, the petitioner who was a Upper Division Teacher, posted at Govt. School at Pamgarh, District Janjgir Champa, retired from service on 31.07.2008. His GPF amount was settled by the department as early as on 29.09.2008. Thereafter, appropriate steps had been taken and it was ordered for release of such amount from the Treasury. It is stated that the respondent No.3, who was working then as Block Education Officer, Pamgarh, withdrew the said amount which was to be paid to the petitioner on 10.11.2008. However, the said amount was credited to the account of petitioner after about 8 months time i.e. on 25.07.2009 after filing of the

present petition. The petitioner had also sought for initiating criminal case against the respondent.

3. The respondent-State in their reply have submitted that the department had already initiated departmental enquiry against the respondent No.3 and have terminated the respondent No.3 from service. The State has also ordered for recovery of the amount of embezzlement which the respondent No.3 had committed. It is also stated that steps for prosecuting the respondent No.3 on criminal side is also initiated.
4. At this juncture, counsel for the petitioner submits that since the respondent No.3 is already being prosecuted in criminal case, he restricts his claim only for interest on delayed release of the GPF amount.
5. True it is that the respondent-State had taken prompt steps for release of the GPF amount by settling his retiral dues and submitting the relevant documents to Treasury as early as in November, 2008, but physically the amount could not be paid to the petitioner on account of the misdeed committed at the hands of the respondent No.3. The petitioner should not be put to loss on account of such misdeed. The respondent-State has also initiated steps for recovery of loss caused to the State from the respondent No.3.
6. Therefore, let the respondent-State grant interest also to the petitioner for the delayed payment of GPF amount and other retiral dues, if any, for the period from 10.11.2008 to 25.07.2009 i.e. for about 8 months. The State would be at liberty to recover the said amount of interest from the respondent No.3.
7. With the aforesaid, the writ petition is partly allowed. No order as to costs.

Sd/-

(P.Sam Koshy)
Judge