

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.1906 of 2017

- N.K. Agarwal S/o. Late Lalji Agarwal, Aged About 67 Years Retired Deputy Manager, R/o. Ramdas Nagar, Tikrapara, Bilaspur, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh State Co- Operative Marketing Federation Ltd. Through Secretary, Chhattisgarh State Co-Opeartive Marketing Federation Ltd., 880- Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Co-Operative Marketing Federation Ltd., 880 Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
3. Chief Accounts Officer, Chhattisgarh State Co-Operative Marketing Federation Ltd., 880 Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
4. State Of Chhattisgarh, Through Secretary, Department Of Co-Operative Society, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Govind Dewangan, Advocate
For Respondents No.1 to 3:	:	Shri Prafull Bharat with Shri Akash Pandey, Advocates
For Respondent No.4	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/08/2017

The petitioner had filed this petition seeking direction to release all retiral dues, to which, the petitioner is entitled under the Service Rules. It is submitted that pension and retiral dues have been withheld without any reason. In the petition, it has been averred that the petitioner retired on 31-01-2010. There is no order placed on record to hold enquiry against the petitioner, but on certain charges of misconduct, departmental enquiry was initiated against the petitioner, in which, the petitioner was fully exonerated vide Enquiry Report dated 05-09-2011. Moreover, it is seen that against the proceedings initiated by the petitioner, the respondents had preferred an appeal,

though unsuccessful. Obviously, allegation against the petitioner having not been established, in view of the exoneration from enquiry proceedings, there is no justifiable reason as to why the petitioner should not be paid pension and retiral dues, which is apparently admissible and payable under the Rules. Though last opportunity was granted to the learned counsel for the respondents to file reply, but no reply has been filed. Therefore, the allegation of the fact made in the petition have to be treated as admitted. The consequences, which follow from aforesaid consideration is that the respondents are under an obligation to release pension and retiral dues of the petitioner as there is absolute arbitrariness in withholding the same without there being any reason, when the petitioner was already exonerated from the departmental enquiry proceedings and the appeal filed by the respondents was also dismissed.

2. Let benefits of the petitioner with regard to pension/retiral dues be released within a period of 60 days from today. The amount of retiral dues shall carry interest @ 10% from the date of retirement of the petitioner till the actual payment.

3. Accordingly, the petition is allowed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge