

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.767 of 2011**

Deharlal Sahu S/o Shri Sakhrum Sahu, aged about 73 years R/o
Village and Post Baghmara, Tahil Balod, District Durg (CG).

----Petitioner**Versus**

1. State of Chhattisgarh Through the Secretary, School Education Department, DKS Bhawan Raipur (CG).
2. Accountant General, Chhattisgarh Raipur (CG).
3. Joint Director, Treasury, Accounts and Pension, Raipur (CG).
4. Assistant Director (PA) Treasury Accounts and Pension, Raipur (CG)
5. District Treasury Officer, Treasury office Durg (CG).
6. State Bank of India, Balod Through Branch Manager, Balod, District Durg (CG).

---- Respondents

For petitioner	:	Shri PP Sahu, Advocate.
For respondent-State	:	Shri Sangharsh Pandey, Dy. GA
For respondent No.2	:	Shri RK Gupta, Advocate.
For respondent No.6	:	Shri PR Patankar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.03.2018.**

1. The grievance of the petitioner is that though the petitioner had taken commutation of pension of Rs.56,345/- at the time of retirement and the same had to be adjusted till his attaining the age of 70 years, the respondents are paying the petitioner the reduced compensation till date i.e. much beyond the petitioner having crossed the age of 70 years, thus, prayed for a suitable direction in this regard.
2. The brief facts of the case is that, the petitioner was working as a

Headmaster in Primary School. He stood retired w.e.f. 31.10.2000. He had claimed for commutation of his pension which was allowed of an amount of Rs.56,345/-. Vide order dated 31.01.2002 (Annexure P/1) it was ordered by the respondents that commutation part would be recovered on easy installments of Rs.1126/- per month and which would be charged till the petitioner attains the age of 70 years. The petitioner attained the age of 70 years on 09.10.2008. Thus, after 09.10.2008 he was entitled for getting full pension i.e. Rs.3378/- as on October, 2008.

3. The petitioner's grievance is that, though the petitioner has crossed the age of 70 years, the respondents are still paying him the reduced pension of Rs.2252/- inspite of fact that entire commuted pension has already been recovered by the respondents by October, 2008. The petitioner prays for a suitable direction in this regard firstly for ensuring that the petitioner is paid full pension forthwith and secondly any excess amount which has been deducted by the respondents beyond October, 2008 onwards, the same may be refunded back with interest.
4. The counsel for the respondents, on the contrary, submits that there was an order passed in another Writ Petition i.e. WPS No.764 of 2011 which was disposed of with a direction that the case of the petitioner be placed before the High Power Committee constituted by the State Govt. for redressal of the grievance of the government employees so far as retiral dues are concerned and as per finding of the said Committee, the petitioner has been paid an amount of

Rs.95,847/-. Thus, the petitioner is not entitled for any further relief and the petition deserves to be rejected.

5. On verification of facts, it would reveal that the said writ petition filed by the petitioner was confined to the non payment of the amount which stood in his credit in his GPF account and which after the disposal of the writ petition, the committee found that there was an amount of Rs.95,847/-which was further payable to the petitioner under the GPF account. Thus, the said amount of Rs.95,847/- paid to the petitioner was not in any manner connected to the commutation of pension or the adjustment made on the commutation so made by the respondents.
6. Though, the counsel for the respondents drew the attention of the court that the government circular dated 12.05.2000 envisages that commutation of compensation can be recovered till the employee attains the age of 75 years, but the same also would not be applicable in the instant case as vide Annexure P/1 the respondents had already calculating the deductions to be made against the total amount of Rs.56,345/- which the petitioner had obtained and as per the calculation of the respondents State themselves, the reduced pension would be paid to the petitioner till he attains the age of 70 years i.e. in October, 2008.
7. This court does not find any good ground on the part of the respondents in not releasing full pension beyond October, 2008 onwards unless there is an additional amount which was still to be recovered from the petitioner by virtue of commutation of pension

made by the petitioner. The action on the part of respondents in not granting full pension to the petitioner beyond October, 2008 does not seem to be justified.

8. The writ petition for the aforesaid reasons deserves to be and is hereby allowed. It is directed that the respondents No.1&4 shall look into the matter and shall after due verification of facts shall pass an appropriate order and ensure that full pension payable to the petitioner is released forthwith. The two authorities are also directed to verify whether any excess amount has been recovered from the petitioner beyond October, 2008 when he had attained the age of 70 years, if any, the same shall also be released to him forthwith with interest @ 9 percent per annum.
9. Let this exercise be completed by the respondents No.1&4 within an outer limit of four months from the date certified copy of this order is produced by the petitioner before them.

Sd/-
(P.Sam Koshy)
Judge