

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5573 of 2012

Rameshwar S/o Mangla, aged about 61 years, Occupation Retired S.D.L., Operator Grade-B, Gayatri Mines, R/o Quarter No.785, Chopda Colony, Bishrampur, Police Station Bishrampur, District Surajpur (C.G.).

---Petitioner

Versus

1. Chairman-cum-Managing Director, S.E.C.L. Head Quarter, Seepat Road, Sarkanda Police Station, Sarkanda, District Bilaspur (C.G.).
2. The Chief Medical Officer, S.E.C.L. Head Quarter, Seepat Road, Sarkanda Police Station – Sarkanda, District Bilaspur (C.G.).
3. Chief General Manager, S.E.C.L. Bishrampur Area, Bishrampur, P.S. Bishrampur, District Surajpur (C.G.).
4. Personnel Manager, Rehar Gayatri Ketki Sab Area Bishrampur, P.S. Bishrampur, District Surajpur (C.G.).
5. Chief Medical Officer, Central Hospital Bishrampur, P.S. Bishrampur, District Surajpur (C.G.).

---Respondents

For petitioner	:	Shri Rahul K. Mishra, Advocate.
For respondents	:	Shri Sudeep Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2018

1. In the instant Writ Petition, the petitioner had claim for two reliefs.
2. One was for releasing all the retiral dues and second being declaring the petitioner to be an unfit person while he was in service and thereafter grant employment to one of the dependents in the family of the petitioner.
3. So far as relief No.10.1 is concerned, admittedly the petitioner has crossed the age of superannuation on 30/09/2011. The present Writ Petition

has been filed after about 15 months from the date of crossing the age of superannuation of the petitioner i.e. in December-2012.

4. Undisputedly, the petitioner has crossed the age of superannuation and therefore stands retired from the services of the respondents.

5. The petitioner being not otherwise disqualified under any of the regulations applicable in the department and therefore he has to be paid all the retiral dues whatever he is entitled for.

6. The counsel for the respondents on instructions submits that, so far as CMPF, Pension and other retiral dues are concerned, they have already been released to the petitioner except for the gratuity which perhaps was not released for non-vacation of the quarter which the petitioner was retaining.

7. This again is an issue which no longer is res-integra. It has been well settled by now that retention of official quarter by a retired employee cannot be a ground for withholding the gratuity under the payment of gratuity Act as the employer has other remedies available for getting the person vacated from the official quarter.

8. Thus, the respondents are directed that if the gratuity amount has not been released to the petitioner, the same should be release to the petitioner forthwith with interest @ 10% per annum as is prescribed under the payment of gratuity Act from the date of retirement till the date of actual payment made. In addition, any other retiral dues also payable should be released without any further delay.

9. So far as the relief No.10.2 is concerned, since the Writ Petition itself has been filed after more than 15 months from the date of crossing the age of superannuation, the relief sought for now has become of only academic interest and the same cannot be granted by this Court in exercise of its Writ jurisdiction.

10. Accordingly, the relief sought for in 10.2 stands rejected.

11. The Writ Petition thus stands allowed in part and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit