

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) 1200 of 2018**

L.K. Ladiya S/o Late Shri Bhagwati Prasad, aged about 62 Years
Retired Government Employee As Assistant Engineer/Sub Divisional
Officer, Jonk Canal Water Resources Sub Division, Girod, District
Baloda Bazar Bhatapara Chhattisgarh R/o NVC 21, Narmada Vihar,
Yadunandan Nagar, Tifra, Tahsil and District Bilaspur, Civil and
Revenue District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Water Resources Department Mahanadi Bhavan, New Raipur Chhattisgarh.
2. Engineer - In - Chief, Water Resources Department, Sihawa Bhavan, Civil Line Raipur, Chhattisgarh.
3. Chief Engineer, Mahanadi and Godawari Kachhar, Water Resources Department Raipur, Chhattisgarh.
4. Executive Engineer, Water Resources Construction Division, Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.
5. The Joint Director, Treasury and Pension Branch, Ghadi Chouk, Raipur District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy.G.A

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.03.2018**

1. The present writ petition has been filed seeking for a direction to the respondents for releasing the retiral dues like gratuity, pension etc. payable on his superannuation on 30.06.2017.
2. State Counsel, at this juncture, submits that the petitioner on an earlier occasion had filed WPS No. 5502/2017. The said writ petition got finally disposed of vide order dated 08.02.2018 with a direction that the respondents would consider the representation to be made by the petitioner within a period

of four weeks from the date of receipt of his representation. Counsel for the State further submits that in the light of the order passed by this Court in WPS No. 5502/2017 on 08.02.2018, the case of the petitioner is in the process of consideration and the same shall be decided on merit at the earliest, therefore, the present petition can be disposed of accordingly.

3. In view of the submission made by the State counsel, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending and accordingly, the writ petition is disposed of with a direction that the respondent authority shall take a suitable decision on the claim of the petitioner and release the amount which is not in dispute to the petitioner at the earliest.
4. So far as any recovery is concerned, the same shall be considered in accordance with the rules governing the service condition of the petitioner. It is expected that the respondents shall take a decision in respect of the claim of the petitioner along with the representation in terms of the directions given by this Court in WPS No. 5502/2017 on 08.02.2018.
5. During the course hearing, it was found that the respondents in the instant case had filed an affidavit as early as on 1st of March before the Registry, the receipt of which was also produced before this Court by the State counsel. Unfortunately, in spite of more than 13 days having lapsed, the same could not be tagged with the original file and this Court had to call for the said record from the dealing assistant. This Court fails to understand as to why the dealing Assistant keeps the reply with him instead of filing the same or gets it attached to the records immediately. The Registrar General should call upon an explanation from the concerned Officer and take appropriate corrective measure so that such occurrences do not occur in future.

Sd/-
(P. Sam Koshy)
Judge