

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 814 of 2008**

R. S. Sidar S/o Dhanav Ram Sidar, aged about 60 years, R/o Bengalipara, Street No.3, Sarkanda, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Energy, D. K. S. Bhawan Raipur (CG)
2. Secretary, Chhattisgarh State Electricity Board, Raipur, District Raipur (CG)
3. Chhattisgarh State Electricity Board, through Chief Engineer, Raipur, District Raipur (CG)

---- Respondents

For Petitioner	:	Shri Goutam Khetrapal, Advocate
For Respondent no.1	:	Shri Shashank Thakur, Govt. Advocate along with Ms. Sunita Jain, Panel Lawyer
For Respondents 2 & 3	:	Shri Pramod Verma, Senior Advocate along with Shri Virendra Verma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/03/2018**

The case of the petitioner is that while serving respondents 2 & 3 on the post of Assistant Grade III, on 12.08.2005 the petitioner had applied for voluntary retirement w.e.f. 30.11.2005. The said application was accepted by respondents 2 & 3 on 07.11.2005. However, just before one day of his voluntary retirement i.e. on 29.11.2005, the petitioner moved an application seeking for withdrawal of the application for voluntary retirement. Meanwhile, the Department had already accepted the same and processed the case for settlement of his retiral dues.

2. The return which the respondents 2 & 3 have filed shows that the petitioner's retiral dues had been settled in as much as the petitioner was paid an amount of Rs.4,54,479/- vide cash voucher on 01.02.2006. Later on, GPF amount was also released to the petitioner on 21.02.2006. The petitioner was also granted the death-cum-retirement gratuity on 21.01.2006 and the pension and pensionary benefits were ordered to be released which stood released w.e.f. December, 2005 onwards. After accepting all these benefits, the petitioner, after about 2 years from his retirement, on 05.02.2008 had filed the writ petition challenging the action on the part of the respondents in not considering the withdrawal application dated 29.11.2009. Counsel for the petitioner relied upon a judgment of this Court in the case of passed in the case of by this Court in Kishore Kumar Vyas v. State of CG and others reported in (2008) 1 CGLJ 259.

3. A perusal of the record would clearly show that the averment made in the reply of the respondents 2 & 3 is accepted by the petitioner in the course of arguments. It also reflects that after having accepted the entire retiral dues, the present writ petition has been filed by the petitioner which in the opinion of this Court would not be permissible.

4. As regards the judgment of this Court in the case of Kishore Kumar Vyas (supra), that was a case where the acceptance by the Department was subsequent to the application for withdrawal made by the petitioner. Thus, the facts of the said case are distinguishable from that of the present case and the same cannot be brought to the aid of the petitioner in this case. Moreover, in the said case, retiral dues and pensionary benefits were not settled whereas in the instant case, the entire retiral dues had been settled without any grievance whatsoever and the same without any objection and demure on the part of the petitioner had been accepted by him.

5. Thus, this Court does not find any strong case made out by the petitioner calling for a reconsideration on the part of the respondents. Thus, the writ petition being devoid of merit stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE