

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1379 of 2010**

Ashok Kumar Jha, aged about 61 years, S/o late Shri Aditya Nath Jha, retired Accountant, resident behind Kavita Complex, Kamla College Road, Rajnandgaon (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, DKS Bhawan, Mantralaya, Raipur (CG)
2. The Director, Public Education Chhattisgarh, Raipur (CG)
3. The Senior Account Officer, Office of Accountant General, Chhattisgarh, Pandri, Raipur (CG)
4. The District Education Officer, Rajnandgaon (CG)
5. The Block Education Officer, Chhuikhadan, District Rajnandgaon (CG)

---- Respondents

For Petitioners	:	Shri P. K. C. Tiwari, Senior Advocate along with Shri Ashutosh Trivedi, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate
For Respondent no.3	:	Shri Raj kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/07/2018**

The grievance of the petitioner in the present writ petition is the non releasing of retrial dues like gratuity, leave surrender encashment, family welfare fund, group insurance fund, subsistence allowance, arrears of 6th pay commission etc.

2. Counsel for the petitioner fairly submits that pending the petition, the petitioner has been paid certain amount like subsistence allowance of Rs.1,76,962/-, amount of Rs.38,389/- under Family Welfare Scheme, balance amount of Rs.1,09,595/- under Group Insurance. According to the counsel for the petitioner, now the dispute revolves around the gratuity amount which the petitioner is entitled for. The petitioner is also entitled for the balance amount of leave surrender and the balance amount of provisional pension which he has received. In addition, there is certain dispute so far as GPF amount paid to the petitioner is concerned. Counsel for the petitioner further submits that even otherwise the charges which have been leveled against the petitioner do not entail any financial loss to the State Govt. and therefore, the respondent State could not have retained the retrial dues payable to the petitioner.

3. The facts of the case are that the petitioner was working as an accountant in the office of Block Education Officer, Chhuidhadan under respondent no.4. In between, he was implicated in a criminal case for the offence punishable under Section 420, 409, 467 & 468 of IPC. It has been informed that the petitioner has also been convicted in the criminal case which was initiated and a criminal appeal is pending consideration in this regard.

4. In view of the fact that the petitioner now stands convicted though he is on bail but the conviction is still in operation, this Court finds it difficult to issue an appropriate writ to the respondents for releasing of the gratuity amount.

5. However, record shows that the respondent State has till date not intimated the petitioner the actual balance of payment which is yet to be

paid to the petitioner and the reason as to why the same has not been released to the petitioner.

6. So far as the dispute pertaining to GPF amount is concerned, since the State does not dispute that the petitioner is entitled for GPF, the only recourse which this Court feels is that of directing the petitioner to approach the office of respondent no.4 by making a detail representation so far as his GPF claim is concerned and in turn respondent no.4 shall further proceed and process the case of the petitioner for GPF amount after duly tallying with the account which is maintained in the office of the Accountant General i.e. respondent no.3. Thereafter, respondent no.4 i.e. the District Education Officer shall pass a specific order so far as the GPF amount payable to the petitioner is concerned.

7. It is expected that respondents 2 & 3 shall pass an order in the case of the petitioner so far as his other retiral dues are concerned (except for GPF) for which there is already a direction given by this Court and intimate the petitioner as to what payments are left to be paid to the petitioner and on what count the same has been retained by the employer.

8. Let this exercise be done by the respondents within an outer limit of 90 days from the date of receipt of certified copy of this order. It shall be the responsibility of the petitioner to apprise the respondents 2 & 3 in respect of the order passed by this Court.

Sd/-
(P. Sam Koshy)
JUDGE