

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5261 of 2017****Order reserved on 06.08.2018****Order delivered on 05.09.2018**

R. S. Vishwakarma S/o. Late Shri Parmoo Lal Vishwakarma  
aged about 73 year, R/o. H.No. 8B, Street-5, Sector-B,  
Panchsheel Society Borsi, Distt. Durg (Chhattisgarh) PIN 491001.

**---Petitioner****Versus**

1. M/s. Hindustan Steel Works Construction Ltd. (A Govt. of India undertaking) through its Chairman-cum-Managing Director, HO. 5/1, Commissariat Road (Hastings) Kolkata-700022 (W.B.)
2. M/s. Hindustan Steel Works Construction Ltd. (Bhilai unit of Respondent-a) through Group Head (Project), Nirman Bhavan, P.O.–Bhilai, Distt. Durg (Chhattisgarh) – PIN 490001.

**--Respondents**


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Petitioner-in-person : Mr. R. S. Vishwakarma.

For respondents : Mr. Vinod Deshmukh, Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order [C.A.V.]**

1. This petitioner herein, who was working as an Executive/Ex-Manager in the respondent Company, took voluntary retirement under V. R. Scheme introduced by H.S.C.L. and stood retired *w.e.f.* 31.07.2000 and has filed this writ petition claiming Rs. 2,61,982.40/- along with 12% interest towards various claims said to due and not paid by the respondent-Company. The claim of the petitioner has

been opposed stating *inter alia* that petitioner has already been paid in total amount of Rs 17,18,768.84/- towards full and final satisfaction of his claim.

2. The petitioner has claimed the following amount said to be due against the H.S.C.L. respondent-Company:-

| Claim No. | Name of Item                                                            | Amount                   | Period of Interest                                 | Rate of Interest | Remarks                                                       |
|-----------|-------------------------------------------------------------------------|--------------------------|----------------------------------------------------|------------------|---------------------------------------------------------------|
| 8(i)      | Illegal recovery of medical bill                                        | Rs. 30734/-              | 01.08.2000                                         | 12% PA           | As per Annex. 5 (page No. 24 & 25), Annex. 9 (page No. 31(a)) |
| 8(ii)     | Reimbursement of Disallowed medical bills for Dec. 92, Oct.94 & Oct. 98 | Rs. 470/-                | -do-                                               | 12% PA           | As per Annex. 10 (page No. 33, 35 & 38)                       |
| 8(iii)    | Excess recovery of Bank loan                                            | Rs. 2239/-<br>Rs. 1620/- | 03.02.2003 to till date<br>01.09.2000 to till date | 16% PA           | As per Annex. 12 page 41(a)                                   |
| 8(iv)     | Payment of R.D. Amount                                                  | Rs. 2241/-               | -do-                                               | 14% PA           | As per Annex. 14 (page No. 44,45 & 46)                        |
| 8(v)      | Totaling mistake in C.P.F. D.A. Deposit for 88 -89                      | Rs. 2000/-               | 01.04.89 to till date                              | 12% PA           | As per Annex. 15 (page No. 47 & 48)                           |
| 8(vi)a    | Less payment in final payment of C.P.F.                                 | Rs. 21456/-              | 01.09.2000 to till date                            | 12% PA           | As per Annex. 16 (page No. 50)                                |
| 8(vi)b    | Cheque withhold from 10.11.2000 to 18.02.2001                           | Rs. 420363.77            | 10.11.2000 to 18.02.2016                           | 12%              | As per Annex. 16 (page No. 50)                                |
| 8(vii)    | Balance payment of salary from Oct. 99 to July 2000                     | Rs. 28902/-              | 01.09.2000 to till date                            | 12%              | As per Annex. 13 & 17 (page No. 43 & 51)                      |
| 8(viii)   | Less payment in pay revision arrears                                    | Rs. 1585/-               | 01.09.2000 to till date                            | 12%              | As per Annex. 18 (page No. 52 & 53)                           |
| 8(ix)     | Balance                                                                 | Rs.15885.40/-            | -do-                                               | -do-             | As per                                                        |

|         |                                                                                                                                                                                                   |             |                          |      |                                           |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------|------|-------------------------------------------|
|         | payment of E.L. encashment                                                                                                                                                                        |             |                          |      | Annex. 19 (page No. 54)                   |
| 8(x)    | Balance payment of Exgratia and Spl Exgratia                                                                                                                                                      | Rs. 15816/- | -do-                     | -do- | As per Annex. 21 (page No. 56)            |
| 8(xi)   | Arrears of Ex-gratia and Special Ex-gratia due to increase in D.A.                                                                                                                                | Rs. 88578/- | -do-                     | -do- | As per Annex.21, 23 (page No. 56 & 58)    |
| 8(xii)  | Balance payment of gratuity due to increase in D.A.                                                                                                                                               | Rs. 33148/- | -do-                     | -do- | As per Annex. 23 (page No. 58 & 59)       |
| 8(xiii) | Company contribution of C.P.F. on pay revision arrears & D.A. arrears                                                                                                                             | Rs. 7134/-  | -do-                     | -do- | As per Annex. 24 (page No. 60)            |
| 8(xiv)a | Interest on Rs. 96407/- pas on 05.10.2016                                                                                                                                                         | Rs. 96407/- | -do-                     | -do- | As per Annex. 24 (page No. 60) only Intt. |
| 8(xiv)b | Interest on Rs. 48165/- paid on 28.12.2016                                                                                                                                                        | Rs. 48165/- | 01.09.2000 to 27.12.2016 | -do- | As per Annex. 24 (page No. 61) only Intt. |
| 8(xv)   | Payment of T.A. and Transportation cost of personal effects on final settlement<br>Or<br>Permission to avail the final settlement claim within 6 months from the date of payment of above claims. | Rs. 25990/- | -                        | -    | As per Annex. 25 (page No. 62)            |

3. I have heard petitioner-in-person and learned counsel for the respondents.

4. Janwadi Mazdoor Ekta Kendra v. Union of India – W.P. No.

02/2001 was filed by Union representating the retired employee of H.S.C.L.. The said writ petition was disposed off by given certain direction to pay the arrears of 5<sup>th</sup> pay commission for the period 01.01.1996 to 31.12.1997, to pay increased D.A, to pay increased HRA, to pay the travelling allowances for employee himself along with the dependent member of his family, to pay the medical expenses admissible to the employee, to pay the benefit of encashment of additional earned leave etc. Writ appeal was dismissed by this Court and special leave petition was also dismissed by the Hon'ble Supreme Court.

5. The petitioner also preferred Writ Petition No. 904/2002 before this Court claiming various claims, which was disposed off by this Court directing the petitioner to make a representation in terms of order passed in Writ Petition No. 02/2001 and Writ Appeal No. 185/2007, which the petitioner submitted his representation to the H.S.C.L.

6. The representation of the petitioner was considered by H.S.C.L. and an amount of Rs. 96,407.00 was paid to him and an additional amount of Rs. 48,165.00 was also paid to him on 27.12.2016.

7. It appears from the above-stated narration of facts that respondent-H.S.C.L. has already paid an amount of Rs. 17,18,768.84 towards retiral dues to the petitioner and thereafter pursuant to the orders of this Court, additional amount of Rs. 96,407/- plus Rs. 48,165/- has already been paid to him deciding his

representation on 17.01.2007. The order dated 17.01.2007 passed by respondent-H.S.C.L. has become final as it has not been questioned by the petitioner and he has already accepted the amount paid to him pursuant to order dated 17.01.2007.

8. The respondent has clearly stated in his counter-affidavit that additional amount claimed by the petitioner in this writ petition is not due.

9. After perusal of record and hearing the parties, I have no reason to disbelieve the version of respondent-Company, and particularly claims have been made after 17 years of his retirement (31.07.2000).

10. I do not find any merit in the writ petition. The writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)  
Judge