

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3881 of 2018**

Smt. Savita Das W/o Shri Rakesh Das Vaishnav, Aged About 55 Years, R/o Near Officer Mess, Police Line Bairan Bazar, Raipur District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police) Mantralaya, Mahanandi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Director General Of Police (D. G. P.) Police Head Quarter (Phq), Near Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
3. Additional Director General Of Police (Administration) Police Head Quarter (Phq), Near Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
4. Inspector General Of Police (I. G. P.) Office Of The Inspector General Of Police Shankar Nagar Raipur District Raipur Chhattisgarh
5. Superintendent Of Police (S. P.) Office Of The Superintendent Of Police Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.09.2018**

The present writ petition has been filed seeking for a limited direction against the respondents for releasing GPF, GIS and Leave Encashment with interest @ 10% to the petitioner.

2. The grievance of the petitioner is that he was appointed in the year

1989 as a Sub Inspector. In due course of time, the petitioner was also granted out of turn promotion to the post of Inspector in the year 2005. However, after completion of 28 years of service vide order dated 18.08.2017 the petitioner was compulsorily retired.

3. According to the counsel for petitioner, though it is almost about a year that the petitioner has retired, he has not been released his retiral dues which forced the petitioner to file the present writ petition.

4. State counsel, on instruction, submits that in fact the State Govt. has been willing to release the retiral dues to the petitioner subject to his fulfilling the required formalities for the same but because of the petitioner's non-cooperation for fulfilling the formalities, the retiral dues could not be given to him. State counsel also submits that the petitioner has also filed another writ petition i.e. WPS No. 66/2018 challenging the order of compulsory retirement which is pending consideration before this High Court and on this ground also the settlement could not be made.

5. The aforesaid being the factual matrix of the case, pendency of the writ petition challenging the order of compulsory retirement dated 18.08.2017 should not come in the way of the respondents as also the petitioner in either releasing the retiral dues or accepting the retiral dues like GPF, GIS etc. In the event the petitioner succeeds in WPS No.66/2018 and there is an order of reinstatement and the respondents intend to reinstate the petitioner then under the said circumstances the petitioner would have to refund the entire benefit that he receives as retiral dues to the respondents.

6. Counsel for the petitioner, during the course of submission, gave an undertaking that the petitioner is willing to refund the entire amount of retiral

dues that he would be paid, in the event of allowing of the writ petition No.66/2018.

7. On the said undertaking, this Court is of the opinion that nothing further remains to be adjudicated upon in this case. Accordingly, let the petitioner give an undertaking to the respondents of refunding the entire dues that he receives as on date so far as retiral dues are concerned on his succeeding in WPS No. 66/2018 and is reinstated in service. The respondents shall thereafter forthwith release the amount payable to the petitioner subject to the petitioner completing the necessary formalities for releasing the retiral dues. Let this exercise be concluded within an outer limit of 60 days from the date of receipt of certified copy of this order.

8. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**