

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.5669 of 2005

JJ Singh, Aged about 54 yrs, S/o Late H P Singh, R/o C-11,
Soneganga Colony, Seepat Road, Bilaspur (C.G.)

---- Petitioner

Versus

1. Coal India Limited, Through Chairman, 10, Netaji Subash Road, Kolkata
2. South Eastern Coalfields Limited, Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur (C.G.)
3. Director (Personnel), South Eastern Coalfields Ltd., Seepat Road, Bilaspur (C.G.)
4. Chief General Manager, South Eastern Coalfields Ltd., Chirimiri Area, Distt. Korea (C.G.)

---- Respondents

For Petitioner:	Mr. Gary Mukhopadhyay, Advocate.
For Respondents:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/01/2018

1. The petitioner was inflicted with a penalty of withholding of two increments for a period of two years with cumulative effect by order dated 20-2-2004 against which he has preferred the instant writ petition question the same.
2. Return has been filed by the respondents stating inter alia that after filing of writ petition, the petitioner opted for voluntary retirement and he has been relieved from the service of Coal India Limited and he has been paid all the retiral dues which has been accepted without any objection and demur.

3. Learned counsel for the respondents would submit that the petitioner after filing of writ petition has opted for voluntary retirement and he has been relieved from service and having accepted the retiral dues without any demur, he cannot turn around and question the same.
4. Be that as it may, since the petitioner has opted for voluntary retirement and has been paid all the retiral dues and has accepted without demur and has not filed any rejoinder controverting the averment made in return, I do not find any fit case to quash the order Annexure P-1.
5. In view of the above, as the petitioner had already retired from service and all retiral dues have been paid to him, the petition is accordingly closed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge