

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5157 of 2017**

Abhay Nath Thakur S/o Late Harendra Nath Thakur, aged about 63 years, R/o 50/100 Purani Basti, Police Lane, Sonar Para, Mahant Laxmi Narayan Das Ward, Raipur 492001, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through - Secretary, Public Health Engineering Department, Mantrayala, Mahanadi Bhawan, Capitol Complex, Naya Raipur, Chhattisgarh
2. Shri T. G. Kosiriya, Engineer in Chief, Public Health Engineering Department, H.O.D. Building, Indravati Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Pradeep Saksena, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.05.2018**

The grievance raised by the petitioner in the present writ petition is the inaction on the part of respondents in non settling/releasing the retiral dues payable to the petitioner on his attaining the age of superannuation.

2. State counsel was directed to seek instruction as to why the retiral dues of the petitioner was not being released in spite of the fact that the petitioner stood retired from service w.e.f. 29.02.2016 i.e. more than 2 years ago.

3. Today, on instruction, state counsel submits that the retiral dues of

the petitioner were not released only on account of the fact that there was some preliminary enquiry being conducted by the Department of Economic Offence Wing vide preliminary enquiry no. 99/2012.

4. In the instant case till the date of retirement the petitioner was not issued with any charge sheet neither was any departmental enquiry pending or contemplated against him.

5. Without going into the merits of the case any further, this Court is of the opinion that the law so far as releasing of the retiral dues is concerned, by now is well settled by a catena of decisions wherein it has been emphatically settled that unless the delinquent employee is facing with a criminal case or a departmental enquiry duly constituted after issuance of proper charge sheet, there is no other circumstance available under the rules with which the retiral dues could have been withheld from being released. Rule 64 of the Chhattisgarh Civil Services (Pension) Rule, 1976 is clear in this regard.

6. In view of the aforesaid settled position of law, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending. Accordingly, the writ petition is allowed with a clear direction to the respondent State to ensure that the retiral dues payable to the petitioner should forthwith be released to him preferably within a period of 90 days from today. In the event of any delay in releasing the retiral dues beyond 90 days, the entire retiral dues shall carry interest @ 10% per annum from the date of his retirement till the date of actual payment is made.

Sd/-
P. Sam Koshy
Judge