

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4963 OF 2018**

C.L. Gupta, S/o Late Durga Prasad Gupta, aged about 68 years, R/o Ward No.22, Anupam Nagar, Rajnandgaon, District Rajnandgaon (CG).

... Petitioner

versus

1. State of Chhattisgarh, through: Secretary, Department of Urban Administration and Development, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur (CG)

2. Directorate, Urban Administration & Development, through: the Director, Urban Administration and Development, Indrawati Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur (CG)

3. Municipal Corporation, Rajnandgaon, through its Commissioner, Municipal Corporation, Rajnandgaon, District Rajnandgaon (CG)

... Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For Respondents 1 & 2	:	Mr. S.P. Kale, Dy. Advocate General.
For Respondent 3	:	Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/08/2018

1. The sole grievance of the petitioner in the present writ petition is that though the petitioner has retired on 31.5.2009 from the post Accountant from the office of respondent no.3, none of his retiral dues have been paid to him till today.

2. Learned counsel for the petitioner submits that the competent authority so far as the petitioner is concerned is respondent no.3 and who has already recommended the claim of the petitioner and has forwarded his claim before the Government which according to the petitioner is not required. According to the petitioner, it is exclusively within the domain of respondent no.3 for getting the pensionary benefits processed and released.

3. Be that as it may, considering the fact that the petitioner has retired about 9 years back and that he has not even received a single penny so far as his retiral dues are concerned and what is also reflected is that there was some departmental enquiry pending at the time of his retirement which too has culminated in his getting exonerated of the charges, this Court does not find

any reason why the petitioner should be deprived of his dues which he was otherwise entitled for after his retirement.

4. It is therefore directed that respondents no. 2 & 3 shall immediately process the case of the petitioner at the earliest and shall release the entire retiral dues payable to the petitioner. It is also held that the petitioner would be entitled for interest on the entire retiral dues at the rate of 10% per annum from the date of his retirement till the actual payment is made. It is made clear that if the entire process is not completed by respondents no. 2 & 3 whoever is responsible, this Court would be forced to take strong exception to the action on the part of respondents no. 2 & 3.

5. The writ petition is allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge