

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6634 of 2018**

P. D. Koshle S/o Late Shyam Ratan Koshle, Aged About 63 Years,
Retired Principal, At- Govt. Hr. Sec. School, Kosrangi, R/o Rajiv
Nagar, Ward No. 02, Tilda Road, Kharora, District- Raipur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of
School Education, Mantralaya, Mahandi Bhawan, Atal Nagar, Raipur,
Chhattisgarh
2. The Director, Public Instructions Directorate, State Of Chhattisgarh,
Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh
3. The District Education Officer, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Palash Tiwari, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.10.2018**

The challenge in the present writ petition is Annexure P-1 dated 05.07.2018. Vide the impugned order, the respondents have called for an explanation against the petitioner for an alleged irregularity committed by the petitioner by which it is said that an amount of Rs.12.40,897/- has been defalcated by the petitioner. The petitioner to the aforesaid notice has already given a detail reply on 17.07.2018 vide Annexure P-3.

2. Contention of the counsel for the petitioner is that the petitioner retired from service on 30.04.2018 and till date the petitioner has not been granted the pensionary benefits neither has he been paid any of his retiral dues. He further submits that the respondent authorities have also threatened of initiating steps under Rule 9 of the CG Pension Rules which otherwise is not permissible without taking appropriate sanction/approval from the Govt.

3. Given the said factual scenario which is not in dispute it is ordered that since the petitioner has already filed a detailed reply to Annexure P-1, let the authority concerned take a suitable decision on the said reply given by the petitioner. If the respondents are not satisfied with the same, let an appropriate enquiry be conducted after giving an opportunity of hearing to the petitioner and only thereafter the respondents would take appropriate action against the petitioner that too purely as per the provisions of the rules including that of the Pension Rules.

4. Meanwhile, the respondents should also pass a suitable order ensuring that the petitioner is paid at least the provisional or anticipatory pension for the intervening period with which the petitioner can sustain himself, as he stood retired from service on 30.04.2018 and he has also not been paid any retiral dues and pensionary benefits.

5. With the aforesaid observation the writ petition stands disposed of.

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