

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 849 of 2019**

Abhaylal Tripathi S/o Late Jgdish Prasad Tripathi, Aged About 62 Years, R/o Village Baghmada, Po. Badagaon, Village Gudh, District- Rewa, Madhya Pradesh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Public Health Engineering Indrawati Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. Chief Engineer, Department Of Public Health Engineering, Indrawati Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Garry Mukhopadhyay, Advocate
For State	:	Shri Saleem Kazi, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.02.2019**

1. The grievance of the petitioner is that he crossed the age of superannuation on 30.06.2018 and till date the retiral dues payable to him has not been finalized.
2. The contention of the counsel for the petitioner is that the petitioner was initially engaged as a daily wage employee in the year 1985 and in due course of time, he stood regularized on 02.12.1998. According to the petitioner, in January, 2016, he had initially applied for grant of voluntary

retirement on health condition. The said application was refused to be entertained by the respondents on the ground that the application was not in proper format and intimation in this regard was given on 16.06.2016. Subsequently, the petitioner applied for grant of voluntary retirement in the proper format on 15.07.2016. Thereafter the respondent did not take any decision and the petitioner meanwhile crossed the age of superannuation on 30.06.2018.

3. According to the petitioner, even if the date of application for voluntary retirement i.e. June, 2016 is taken into consideration, the petitioner has put in about 18 years of service and as such he had a pensionable service and the petitioner therefore is entitled for all retiral dues which he is otherwise entitled for like; gratuity, leave encashment, group insurance, GPF, pensionary benefits, etc. but till date the petitioner has not paid any amount towards retiral dues. He further submits that document Annexure P-6 dated 06.06.2018 is a correspondence made from the office of the Senior Treasury Officer publishing the list of employees who were to superannuate in June, 2018 and at serial no.22 the name of the petitioner finds place.

4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending, rather ends of justice would meet if the writ petition is disposed of with a direction to respondent no.2 to ensure that the retiral dues of the petitioner is processed at the earliest and the dues are released to the petitioner forthwith preferably within a period of 90 days from today. It is made clear that in the event of any further delay beyond 90 days, the retiral

dues would carry interest @ 10% per annum from the date the amount fell due till the date of actual payment.

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

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

Khatai