

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7054 of 2017**

R. K. Pandit S/o Late Shri M L Pandit Aged About 61 Years R/o Forest Colony, Belgahana, Tahsil Kota, District Bilaspur, Chhattisgarh., Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary , Department Of Forest, Mahanadi Bhawan, Post Office Mantralaya, Police Station Rakhi, Naya Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. The Under Secretary, Department Of Forest , Mahanadi Bhawan, Post Office Rakhi, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Principal Chief Conservator Of Forest, Aranya Bhawan, Medical College Road Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. The Deputy Director Achanakmar Tiger Reserve, Lormi District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/08/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 12.09.2007 whereby the petitioner has been inflicted with an order of compulsory retirement. The order of compulsory retirement has been imposed complying the circular of the State Government wherein they had decided to screen all those persons who had crossed the age of 55 years and which in more than 20 years of service assessing whether they are fit for employment or not?
2. Respondents have entered appearance and have submitted their reply and in the reply the reason for placing the petitioner under compulsory

retirement is that the petitioner was prosecuted in a complaint case before the learned Lok Aayog, State of Chhattisgarh. The Lok Aayog's finding is against the petitioner so far as causing loss to the petitioner. based on the report of the Lok Aayog, department has initiated recovery proceedings to the tune of Rs. 29,66,340/-

3. Today when the matter is taken up for hearing, counsel for the petitioner makes submission that petitioner in between deposited the entire amount which department had ordered to be recovery that is the entire amount of Rs. 29,66,340/-
4. Given the fact that petitioner has since deposited the entire amount of Rs. 29,66,340 as has been demanded against him by way of notice, this Court is of the prima facie view that petitioner in fact has admitted guilt of his having caused damage to the department or he being responsible for the said damage or loss caused to the department.
5. Another aspect which cannot be lost sight of is that when the petitioner had filed the writ petition at that point of time itself, the petitioner was more than 61 years of age, by this time the petitioner has crossed the age of superannuation also. Since there was only a few months of service left for retirement there ought not had been any monetary loss caused so far as the loss of service is concerned.
6. For this reason also this Court is of the view that no strong case has been made out calling for an interference of the order of compulsory retirement at this juncture. Moreover, plain reading of the reply of the respondents and reason assigned for placing the petitioner under compulsory retirement would show that petitioner by his conduct has shown to be responsible for the lapse in discharging his duties efficiently and in the result the petitioner has caused huge damage/loss to the State exchequer. The petitioner has accepted it by depositing the entire amount of recovery assessed against the petitioner. For this reason also, this Court is reluctant to interfere with

the order of compulsory retirement Annexure P-1 passed by the respondents. The writ petition therefore fails and is accordingly rejected.

7. Though, this Court is reluctant to interfere with the order of compulsory retirement, the appeal if any preferred by the petitioner against the order of recovery would be considered on its own merits. This Court has not expressed any opinion so far as the merits of the appeal is concerned.
8. Accordingly, the writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit