

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2163 of 2018

Itwari Ram Sahu S/o Late Aadhari Ram Sahu, Aged About 62 Years,
Retired Junior Assistant, R/o Village – Kasdol, Chandipara, District Baloda
Bazar, Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Ware Housing Corporation Through Managing
Director, Head Office Industrial Building, Third Floor, Ring Road No. 1,
Raipur, District Raipur, Chhattisgarh
2. Manager, Accountant / Technical / Commercial / Karmik Chhattisgarh
State Ware Housing Corporation, Head Office Raipur, District Raipur
Chhattisgarh

---Respondents

For Petitioner	:	Mr. Subham Tripathi, Advocate
For Respondents	:	Mr. S. S. Baghel on behalf of Shri B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2019

1. The limited prayer, which the petitioner has sought for in the present writ
petition is for an appropriate direction to the respondents to release his
retiral dues payable to him with interest.
2. The facts of the case are that the petitioner, who was working with the
respondents as an Junior Assistant under the respondents, stood retired
from service w.e.f. 30.06.2017. Though more than 1 ½ years have
passed, the petitioner has till date not received any retiral dues from the
respondents.

3. The petitioner submits that he is facing much difficulties to make both ends meet as subsequent to 30.06.2017 and that even he does not have money for his sustenance.
4. Mr. Baghel, Advocate appearing under instructions of the respondents submits that the dues payable to the petitioner could not be settled on account of certain disputes, which the respondent No.1 has with the Food Corporation of India as well as the Civil Supplies Corporation of India in respect of shortage/loss of stock.
5. On a query being put to the counsel for the respondents, he fairly admits the employment of the petitioner with the respondents. Counsel for the respondents submits that initially there was an order of recovery of an amount of more than 15 lakhs assessed by the Department issued on 02.07.2013, the said order subsequently stood recalled by an order passed by the Managing Director on 23.06.2016. At this juncture counsel for the respondents submits that this order of the Managing Director came up for consideration before the Board of Directors of the Corporation who in their 36th meeting decided to review the order passed by the Managing Director. However, thereafter there has been no further development.
6. The factual position as it stands today is that the order of recovery dated 02.07.2013 stands recalled vide order dated 23.06.2016 and the order dated 23.06.2016 has not been further recalled, reviewed or modified by the respondents in any manner. Under the circumstances, as on date, there is no impediment for the petitioner from getting the retiral dues that he is entitled for.
7. Given the aforesaid fair statement by the counsel appearing for the respondents, this Court does not find any good reason, why the petitioner

on his superannuation should not be entitled for his retiral dues, which otherwise he is entitled for.

8. Given the said facts and circumstances of the case, the present writ petition deserves to be and is accordingly allowed with a direction that the respondents shall ensure that the entire retiral dues payable to the petitioner is paid within a period of 90 days from the date of receipt of the copy of this order.
9. Except for the GPF amount, all other amounts that would be paid to the petitioner shall also carry interest @ 6% p.a. from the date it fell due, till the date of actual payment.
10. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Khatai