

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3588 of 2019

Braj Lal Patel S/o Shri Santosh Patel Aged About 63 Years Retired Asstt. Conservator Of Forest, O/o The Sub Divisional Officer, Kanker, Disttict-Kanker, Chhattisgarh, R/o Hig-7, Sector-7, Phase-1, Kabeer Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, Chhattisgarh.
2. The Prime Chief Conservator Of Forest Chhattisgarh, H.Q. Aranya Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. The Divisional Forest Officer Kanker, Disttict- Kanker, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Palash Tiwari, Advocate.
For State	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2019

1. The limited relief which the petitioner has sought for in the present writ petition is for an appropriate direction to the respondents to scrutinize the claim of the petitioner for grant of pension and gratuity.
2. According to the petitioner, he stood retired from service on 31.07.2018 and that more than 8 months have passed, the petitioner has received pension. Neither has the respondents released the gratuity amount which the petitioner was entitled for. It has been categorically stated by the petitioner that on the date of retirement there was no departmental enquiry pending. Neither was the petitioner prosecuted in any criminal case on account of which the department could have withheld the pension and gratuity.
3. Given the aforesaid facts and circumstances of the case, particularly on the submission of the petitioner that there was no departmental enquiry or criminal case pending against the petitioner on the date of retirement, this

court does not find any good reason as to why the same should not be settled by the department in accordance with rules.

4. Accordingly, let the respondents No.1&2 take an appropriate decision on the claim of the petitioner so far as grant of pension and gratuity amount is concerned and pass an appropriate order within an outer limit of four months from the date of receipt of copy of this order. It is made clear that in case if it is found that the petitioner has been denied the pension and gratuity for no fault of the petitioner, the said amount would carry interest @ 10 percent per annum from the date it fell due till it is actually released to the petitioner. The respondents also would be entitled for recovering the interest part from the erring officer who has not processed the pension and gratuity papers of the petitioner promptly.
5. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder