

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3621 of 2019

Brij Bhushan Shukla S/o Shri Jagdish Prasad, Aged About 62 Years
Occupation- Ex Senior Assistant Manager, Ware Housing
Corporation, Raipur, District- Raipur, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Ware Housing Corporation Through Its Managing Director, Chhattisgarh State Ware Housing Corporation, Head Office, Anand Nagar, Raipur, District- Raipur, Chhattisgarh
2. Manager (Account) Chhattisgarh Ware Housing Corporation, Raipur, District- Raipur, Chhattisgarh
3. Assistant Manager (Assistant/salary/pension Chhattisgarh Ware Housing Corporation, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Soumitra Kesharwani on behalf of Shri Awadh Tripathi, Advocate
For Respondents	:	Shri B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

13/05/2019

1. The relief sought for by the petitioner through the present writ petition is for an appropriate direction to the respondents for releasing the retiral dues that the petitioner is entitled for.
2. Contention of the counsel for the petitioner is that the petitioner retired from service w.e.f. 30.04.2019 on the post of Senior Assistant Manager. He submits that in accordance with the rules and regulations the respondents ought to have released the retiral dues

to the petitioner on the date of his retirement. He further submits that till the date of retirement, there was no order of recovery initiated nor was there any charge sheet or a departmental enquiry pending against the petitioner and for this reason, the respondents could not have withheld the retiral dues payable to the petitioner.

3. Counsel appearing for the respondents, however, submits that perhaps the retiral dues of the petitioner might not have been released on account of certain dispute regarding storage loss of stock and the loss caused is to be ascertained.
4. Given the aforesaid submission made by the counsel for the parties, admittedly from the pleadings there does not appear to be any recovery order pending against the petitioner. Likewise, according to the petitioner, there is no charge sheet or departmental enquiry pending against the petitioner. From the submission made by the counsel for the respondents it also appears that there is no personal assessment quantified so far as any loss caused to the Department by the personal act of the petitioner. Under the said undisputed facts, this Court finds that there is no substantial ground available for the Management not to release the retiral dues payable to the petitioner on his retirement.
5. Given the aforesaid facts, let the respondents process the claim of the petitioner subject to verification of facts as to whether there was any recovery order pending against the petitioner while he was in service and whether there was any charge sheet or disciplinary proceeding against the petitioner initiated prior to his retirement. If

not, the entire retiral dues payable to the petitioner should be released forthwith preferably within a period of 4 months from today. It is made clear that in any case if the retiral dues payable to the petitioner is not released to him within a period of 4 months, the said amount shall carry interest @ 10% per annum.

6. With the aforesaid observation, the writ petition stands disposed of.

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

Khatai