

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO.3759 OF 2019

Smt. Vidya Kulkarni W/o Vinay Kulkarni, Aged About 62 Years Occupation Retired Head Master, R/o Chitrkut Road, Jagdalpur, District Bastar Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Principal Secretary Tribal Development Department Mahanadi Bhawan New Raipur Chhattisgarh.
2. The Joint Director, Treasury, Accounts and Pension Jagdalpur District Bastar Chhattisgarh.
3. The District Education Officer, Jagdalpur, District Bastar Chhattisgarh.
4. The Block Education Officer, Block Jagdalpur, District Bastar Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rakesh Pandey, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.05.2019

1. The relief sought for by the petitioner in this petition is to direct the respondents for releasing anticipatory pension which the petitioner was receiving on her retirement.
2. The contention of the petitioner is that, the petitioner who retired from service on the post of Headmistress w.e.f. 30.11.2018 was being paid anticipatory pension immediately after her retirement. The department, however, after 2-3 months stopped the anticipatory pension for which no specific order has been passed. Meanwhile, the department has issued an order showing that in the GPF account there was a negative balance shown and an order of recovery of the negative balance was issued.
3. The counsel for the petitioner further submits that the said order of showing negative balance in the GPF account as well as recovery order initiated thereupon was put to challenge vide WPS No.2293 of 2019 and this court on 04.04.2019 while admitting the writ petition had stayed the effect and operation of the orders of recovery dated 06.02.2019 and 28.02.2019. According to the petitioner, since this court had already stayed notices of

recovery, the respondents cannot under any circumstances withhold pension which was being paid to the petitioner though anticipatory. According to the petitioner, now she is finding it difficult to make both ends meet as the pension has been stopped for last more than couple of months and therefore prays for appropriate direction in this regard to the respondents.

4. In view of the fact that the petitioner had been paid anticipatory pension at the first instance, this court does not find any strong reason made out by the authorities for stopping the said anticipatory pension. Even otherwise, the pension can be withheld only at the orders of the Governor of the State and not by the any other authorities as the petitioner stood retired w.e.f. 30.11.2018. Moreover, so far as the recovery part is concerned, the same would be only subject to outcome of the writ petition WPS No.2293 of 2019.
5. Since there is already a stay so far as recovery part is concerned, release of anticipatory pension could not have been, under any circumstances, held back by the respondent authorities. The respondents are therefore directed to ensure that anticipatory pension which the petitioner was being paid in the past on her retirement, should be released forthwith without any further delay preferably within a period of 45 days from today.
6. With the aforesaid direction, the present writ petition stands disposed of. Needless to mention that recovery part and withholding of the pension, all could be decided only subject to the outcome of WPS No.2293 of 2019.

Sd/-
(P. Sam Koshy)
Judge