

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 546 of 2019

- Smt. Vidyawati Singh W/o Shri Atindra Singh Aged About 65 Years Retired Nursing Sister, At - District Hospital, Ambikapur R/o Phulwari Road, Darripara, Ambikapur District - Sarguja Chhattisgarh

---- Petitioner

Versus

1. Ms. Niharika Barik Singh The Secretary State Of Chhattisgarh, Department Of Public Health And Family Welfare, Mantralay, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Dr. S. L. Adile The Director, Health Services, Chhattisgarh, H. Q. - Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh
3. Dr. Ravikant Das The Civil Surgeon Cum Chief Hospital Superintendent, Ambikapur District - Sarguja Chhattisgarh

---- Respondents

For Petitioner : Mr. R. K. Kesharwani, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2019

1. This petition has been filed by the petitioner alleging willful disobedience of order dated 18.05.2018 passed in batch of petitions including the petition filed by the present petitioner.
2. According to the learned counsel for the petitioner, despite clear declaration of law as contained in para-11 of the order that against retired employee, recovery would not be permissible, withheld amount of leave encashment is not being released in favour of the petitioner. The petitioner submitted representation but till date said payment has not been made.
3. This Court in the case of the petitioner and other petitioners passed a common judgment. The declaration of law as made in para-11 of the order is self-speaking. After retirement, no recovery can be made. In the light of the order passed by this Court, the petitioner's claim was required to be duly examined by the respondent.

4. The petitioner, a retired employee gave a representation on 03.07.2018 but respondent No. 3 appears to be sitting over the matter since last almost one year. In view of the order passed by this Court in the aforesaid case, it is not within the authority of the respondent to withhold leave encashment benefits. Respondent No. 3 is required to immediately release the aforesaid amount. If that amount is not released in favour of the petitioner within 45 days from the date of receipt of this copy of this order, this Court may initiate contempt proceedings for willful disobedience of the order of the Court.
5. Let a copy of this order be submitted before respondent No. 3. It is made clear that it will be no excuse for the third respondent to say that he has forwarded the matter to the Director or Secretary for necessary instructions. Where Court orders are passed for compliance, no permission or instruction of higher authority is necessary.
6. With the said observation, the contempt petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi