

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 546 of 2020**

Smt. Pushpalata Parichha, W/o. Philip Parichha, Aged About 64 Years, R/o. B-6 Om Zone Subham Bihar Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through the Secretary, Department Of Women And Child Development Mahanadi Bhawan New Raipur, District- Raipur, Chhattisgarh.
2. The Director, Directorate, Woman And Child Development Block (A) Indrawati Bhawan New Raipur, District- Raipur, Chhattisgarh.
3. District Program Officer Women And Child Development District- Janjgir-Champa, Chhattisgarh.

----Respondents

For Petitioner : Mr. A.N.Pandey, Advocate.

For State : Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23.01.2020**

Heard

1. The petitioner contends that on 21.10.2015 as per the provisions of Rule 42(1)(a) of Pension Rules, 1976, an application was preferred by the petitioner, along with an amount of Rs.1,40,901/- was deposited being salary of 3 months. Subsequently, the application for voluntarily retirement was rejected by the respondents on 30.11.2016, which is filed as Annexure P-3. The petitioner thereafter attained the age of superannuation on 24.02.2018 and requested to return the amount of Rs.1,40,901/- which was earlier deposited for acceptance of the voluntarily retirement.
2. It is contended that since the voluntarily retirement of the petitioner was not accepted, consequently, the petitioner was entitled to get back the amount; however, despite several applications and correspondence made, eventually the amount has not been paid or

returned. The counsel refers to Annexure P-6 and would submit that correspondence has already been made by the District Program Officer, Women & Child Development to the Director, Woman & Child Development by communication dated 22.11.2018 (Annexure P-6), however, till date the amount has not been paid back.

3. Perused the documents. Perusal of the documents would show that virtually no dispute exists as on today, it is only the amount which was paid by the petitioner pursuant to contemplated voluntarily retirement which was sought for the amount of 3 months salary was deposited. It is not in dispute that Rs.1,40,901/- was deposited by the petitioner at the time of filing application for voluntarily retirement. Annexure P-3 would show that the voluntarily retirement application was rejected on 30.11.2016. Consequently, if voluntarily retirement application has not been accepted, then in such case the petitioner is entitled to get back the amount. The correspondence Annexure P-6 dated 22.11.2018 also fortifies those facts, which is a inter department correspondence with respect to return of the amount. In view of the existing facts, it is directed that the respondents shall return the amount of the petitioner within a further period of 60 days from the date of receipt of a copy of this order.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE