

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 304 of 2020

1. Dr. Manik Chatterjee, S/o Late Shri C.L. Chatterjee, Aged About 66 Years, Presently Working As Professor Anatomy Medical College, Raipur Chhattisgarh, Presently Working on Contract Professor Anatomy Medical College, Raipur Chhattisgarh, R/o M - 43, Rajiv Nagar Post Shankar Nagar Raipur, District : Raipur, Chhattisgarh

---- Applicant

Versus

1. Smt. Niharika Barik Singh Secretary, Medical Education Department, Mahanadi Bhavan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Shri Mohamed Imran Khan Joint Director, Treasury, Accounts And Pension, Government of Chhattisgarh Opposite Collectorate, Near Ghadi Chowk , Raipur Chhattisgarh, 492001
3. Shri Prahant Lal Joint Director, Treasury, Accounts And Pension, Government of Chhattisgarh, Opposite Collector, Near Ghadi Chowk , Raipur Chhattisgarh. 492001...(Contemnors)

----- Respondents

For Applicant	: Mr. Shiv Sahu, Advocate
For Respondents	: None

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.03.2020

1. The present contempt petition has been filed alleging non-compliance of the Order dated 06.03.2019 passed in WPS No. 1553 of 2019. This Court while allowing the said writ petition, has quashed the order dated 24.05.2018; whereby the respondent had ordered for initiating recovery proceedings. As a consequence of allowing of the writ petition, the recovery order stood quashed and the respondents are restrained from initiating any recovery proceedings. Meanwhile, this Court had made

certain observation that since the order of recovery was quashed, there is no good reason available for the respondents for not releasing the retiral dues payable to the petitioner.

2. What has to be understood is that, the writ petition originally was questioning the order of recovery which stands quashed. There is no claim in the writ petition for directing the respondents for releasing the retiral dues, this Court had made only passing observation, which cannot be considered in any circumstances to be a writ or mandamus issued to the respondents. In the event, if petitioner is denied of his retiral dues without any reason, the only recourse available would be for filing a writ petition seeking release of the retiral dues with interest, etc for which the petitioner would have to file a fresh writ petition altogether.
3. Reserving the right for availing the said remedy, if he so wants, the present contempt petition stands rejected.

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