

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2930 of 2018**

- Sahdev Katolkar S/o Shri Shyamu Katolkar Aged About 63 Years R/o D-15, Nehru Nagar, Ward No. 15, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Accountant , General Chhattisgarh (A & E), Zero Point, Balodabazar Road, Post Office- Mandar, Raipur, Chhattisgarh.
3. The District Education Officer, District- Rajnandgaon, Chhattisgarh.
4. The Joint Director, Treasury, Accounts And Pension, Durg Division, District- Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Anup Majumdar & Shri Basant Dewangan, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.
For Respondent No. 2	:	Ms. Purnima Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/02/2020**

Heard.

1. The undisputed facts are that the petitioner has retired as Principal from the School Education Department on 30.09.2017. It is stated that the petitioner was served with a letter dated 23.11.2017 stating that he should furnish a joint photograph with his wife Smt. Pushpa Katolkar and unless and until such joint photographs are presented the petitioner's case would not be processed.

2. Learned counsel for the petitioner further referred to Annexure P-3 and would submit that no such condition exist in the Pension Rule, 1976. It is further submitted that first wife of the petitioner died, subsequently the petitioner married Smt. Pushpa Katolkar and she got separated. Therefore, it is difficult for him to get the joint photograph and eventually the entire pension and other retiral benefits to the full extent has not been released.
3. Learned State counsel submits that since a letter was furnished by his wife that she is holding order of the competent Court where by certain recovery order has been issued from the petitioner for the reason no maintenance has been granted in the said measure the case of the petitioner cannot be processed for finalization.
4. Prima facie, nothing was brought to the notice of the Court that in absence to present the joint photograph of husband and wife the pension can be withheld. If certain maintenance award or order has been passed and if it has been directed to be paid the deduction of the pension amount cannot be the reason to withheld the entire pension, it would be a second cause of action to how much amount be deducted and to be paid to the claimant. The amount of the entirety of the pension cannot be withheld on this reason. Therefore, the respondents are directed to process the pension papers of the petitioner forth with and finalize the same within a period of 60 days from the date of receipt of the copy of this order. It is made clear that if there is some valid order of the Court exist for payment of amount to wife or other claimant the consequences of it shall follow but that cannot be made a rider to with held the pension papers of the petitioner.
5. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti