

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1544 of 2020

1. Sushila Bai Kaushik, Wd/o Chaitram Kaushik, Aged About 49 Years, R/o Village Parsada, Tahsil And District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Treasury, Account And Pension, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh
2. Commissioner, Municipal Corporation, Bilaspur, District : Bilaspur, Chhattisgarh
3. Accountant, Municipal Corporation, Bilaspur, District : Bilaspur, Chhattisgarh
4. Officer-Incharge, Provident Funds, Municipal Corporation Bilaspur, District : Bilaspur, Chhattisgarh
5. Officer-In-Charge, Pension Branch, Municipal Corporation Bilaspur, District : Bilaspur, Chhattisgarh
6. Smt. Malti Tiwari, Wd/o Late Rajesh Tiwari, Aged About 61 Years, R/o Dipupara, Vidya Nagar Road ahead of Shiv Mandir, In The House Of Retd. Guard P. Shukla, Bilaspur And Presently Residing At Sunflower Apartment, Near Mangla Chowk, Bilaspur Tahsil and District : Bilaspur, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. N. K. Chhatterjee, Sr. Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Resp. No. 2 to 5	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.08.2020

1. The present writ petition has been filed seeking for a relief and a

direction to the Municipal Corporation-Bilaspur to hold back retiral dues payable to the respondent no. 6 on retirement in the near future.

2. The facts of the case is that the petitioner has given a loan to the respondent no. 6 for an amount of Rs. 12,50,000/-, in return of the said loan the respondent no. 6 gave a cheque to the petitioner for the said amount. However, when the cheque was put for realisation, the same got dis-honoured. Meanwhile, the petitioner has initiated 138 proceedings against the respondent no. 6 and a Criminal Case No. 496 of 2019 has been registered before the J.M.F.C. Bilaspur wherein summons also have been issued.
3. Reasons for the petitioner to approach the High Court is that because of the effect of the Corona pandemic, the courts below are not functioning normally and, therefore, the proceedings under Section 138 are getting delayed. Meanwhile, if the respondent no. 6 gets retired, she may collect all the retiral dues from the employer that is the Municipal Corporation-Bilaspur and she may leave the city and thereafter the petitioner would find it difficult in firstly tracing the respondent no. 6 and secondly in not realising the amount involved in the 138 proceedings. Therefore the petitioner has prayed for a relief of stopping of payment of retiral dues till the outcome of the 138 proceedings before the J.M.F.C-Bilaspur.
4. That since the petitioner has already availed the remedies available under the Negotiable Instrument Act, against the

respondent no. 6 a criminal case is registered and summons have also been issued, this Court is of the opinion that any relief which the petitioner seeks from this Court; so far as withholding of the retiral dues of the petitioner by the employer, the same ought to have been claimed before the Court of J.M.F.C-Bilaspur highlighting these aspects. Admittedly, the dispute involved in the present writ petition is a private dispute between the petitioner and the respondent no. 6.

5. Accordingly, reserving the right of the petitioner to approach the concerned J.M.F.C-Bilaspur for seeking a prayer/relief which the petitioner has claimed in the present writ petition. The present writ petition stands disposed off. Upon such application being moved, the J.M.F.C-Bilaspur is expected to take a decision in-accordance-with law at the earliest.
6. With the aforesaid direction, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge