

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3835 of 2020

Rajiv Tyagi S/o Late Shri O.P. Tyagi Aged About 63 Years
Residence- MD 202, Phase-4, Kabir Nagar, Raipur Chhattisgarh
Pin Code- 492099

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Government Of Chhattisgarh, Mantralay, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh. Pin Code 492002
2. The Principal Chief Conservator Of Forests, Aranya Bhawan, North Block, Sector 19 Atal Nagar, Naya Raipur District Raipur Chhattisgarh. Pin Code 492002
3. The Director, Directorate Of Treasury, Accounts And Pensions, Block- A, First Floor, Indravati Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh. Pin Code 492002

---Respondents

For petitioner – Shri Nimish Kiran Sharma, Advocate.
For State- Shri Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/10/2020

Heard.

1. Learned counsel for the petitioner submits that the petitioner who was Assistant Conservator of Forest superannuated on 31/08/2019. He further submits that the petitioner was lastly serving in the role of Deputy Managing Director, District Union Kawardha. It is submitted that though the petitioner has retired in 2019 neither the gratuity nor pension benefit including other retiral benefit have been released in favour of the petitioner. It is further contended that on the date of retirement neither there was any departmental enquiry pending nor any prosecution or any incident was pending against the petitioner and without any plausible reason the retiral dues are withheld. Learned counsel further submits that in the authoritative judgment passed by the coordinate bench of this court in the case of **Shyam Dev Vs. State of C.G. and Ors.** in **WPS No. 5256 of 2016**, wherein it has been held that retiral dues of the Government

employee should be paid on the date of retirement itself, the petitioner has not been paid the retiral dues till date.

2. Given the aforesaid facts and circumstances of the case, particularly on the submission of the petitioner that there was no departmental enquiry or criminal case pending against the petitioner on the date of retirement, this court does not find any good reason as to why the same should not be settled by the department in accordance with rules.

3. Accordingly, let the respondents No.1, 2 & 3 in coordination with each other take an appropriate decision on the claim of the petitioner so far as grant of pension and gratuity amount is concerned and pass an appropriate order within an outer limit of four months from the date of receipt of copy of this order. It is made clear that in case if it is found that the petitioner has been denied the pension and gratuity for no fault of the petitioner, the said amount would carry interest @ 10 percent per annum from the date it fell due till it is actually released to the petitioner. The respondents also would be entitled for recovering the interest part from the erring officer who has not processed the pension and gratuity papers of the petitioner promptly.

4. With the above observation, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE