

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4178 of 2020**

- Smt. Maya Bajpai W/o Shri Devendra Kumar Bajpai Aged About 63 Years Retired Upper Division Teacher, R/o Near Shiv Mandir, Ganga, Nagar, Sec-2, Bilaspur District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Chhattisgarh Government, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. District Education Officer Bilaspur District Bilaspur Chhattisgarh.
3. Block Education Officer Block Bilha, Bilaspur District Bilaspur Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Shailendra Kumar Bajpai, Adv.
For State	:	Ms. Richa Shukla, Dy. Advocate General

Hon'ble Shri Justice Goutam Bhaduri**Order****20-10-2020**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner stood retired from service on attaining the age of superannuation on the post of Upper Division of Teacher on

31-1-2020, thereafter retiral dues of pension, gratuity, leave encashment, group insurance, arrears of 7th pay commission and other benefits which were accrued to the petitioner, were not released. When the issue was followed, the petitioner was served with letter dated 21-5-2020 (Annexure P/1) wherein it was stated that Rs.1,72,786/- has been over paid to the petitioner, therefore, she has to give undertaking that the amount to be recovered so that the pension amount can be finalized. It is further submitted that the petitioner cannot be forced to sign and submit undertaking to get the retiral dues despite the fact that she stood retired on 31-1-2020. He would further submit that the petitioner has not been served any recovery notice except Annexure P/1, therefore, liberty may be given to her to challenge the Annexure P/1 separately, however, by that time, retiral dues may be directed to be finalized which includes gratuity, pension, leave encashment, group insurance and other pay benefits.

3. On the other hand, learned State counsel would submit that pursuant to Annexure P1, petitioner was asked to give undertaking so that the pension case can be finalized.
4. The facts would reveal that the petitioner stood retired from services on 31-1-2020, therefore, in any case, she is entitled for retiral dues. Since it has been contended that the petitioner has been served with letter dated 21-5-2020 (Annexure P/1)

whereby recovery of Rs.1,72,786/- has been sought for, liberty is reserved to the petitioner in case she challenges the same order (Anenxure P/1). However, in the meanwhile, there should not be any impediment for the respondent to finalize and release the amount in respect of gratuity, pension, leave encasement, group insurance, arrears of 7th pay commission and other pay benefits. Therefore, respondent authorities are directed to finalize the aforesaid retiral dues within a period of 45 days. Till the finalization of pension/retiral dues, interim monthly pension shall also be released in favour of the petitioner as this court cannot ignore the fact that the petitioner having retired on 31-1-2020 has not been paid retiral dues. Therefore, this exercise shall be carried out within a period of 45 days from the date of receipt of copy of this order.

5. With the above observation/direction, this writ petition stands finally disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Raju