

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4694 OF 2020**

Ashok Kumar Sahu, S/o Late Chandrashekar Prasad, aged about 63 years, Retired Upper Division Teacher, R/o Aamatoli Road, Sunder Nagar, Sitapur, Block Sitapur, District Surguja (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District-Raipur, Chhattisgarh.
2. The Accountant General, Government of Chhattisgarh, Zero Point, Balodabazar Road, Raipur, District Raipur (CG)
3. The Block Education Officer, Mainpath, District Surguja (CG)

... Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate.
For Respondents 1 & 3	:	Ms. Akansha Jain, Dy. G.A.
For Respondent 2	:	Mr. Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2020**

1. The limited grievance of the Petitioner in the present Writ Petition is the inaction on the part of the Respondents in not releasing the retiral dues payable to the Petitioner.
2. According to learned Counsel for Petitioner, the Petitioner on his retirement with effect from 30.4.2020 was entitled for grant of retiral dues of approximately Rs.17 Lakh, however, till date no retiral dues have been released to him. He further submits that of late the Petitioner has come to know that the Treasury Department has detected an excess payment of Rs.1,10,659/-, which could be a reason for not releasing the retiral dues to the Petitioner timely.
3. Learned Counsel for Petitioner also submits that till date the Petitioner has not been given any order so far as the alleged excess payment is concerned nor has he been given any notice or order either for payment on that count and for recovery of the same. Even otherwise, according to learned Counsel for Petitioner, the Respondents could have retained the alleged excess amount and could have released the undisputed balance of amount payable to the Petitioner.

4. Learned Counsels appearing for Respondents do not dispute this fact. However, they submit that the Respondents have an apprehension that in the process of scrutinizing the case of the Petitioner, there is a possibility of further excess payment detected which might be the reason of not releasing the retiral dues to the Petitioner.

5. Given the said submissions made by learned Counsels appearing for the parties, since the Petitioner stands retired from 30.4.2020 he is entitled for his retiral dues and in the event of any recovery that has to be made from the dues payable to the Petitioner, the Respondents are required to intimate the Petitioner in this regard by a specific order. This in other words means, whatever is the undisputed amount payable to the Petitioner on his retirement, minus any amount which has to be recovered or adjusted, the same should not be retained unnecessarily by the Respondents.

6. As of now, after retaining the excess payment made to the Petitioner to the tune of Rs.1,10,659/-, the Respondents are directed to process the claim of the Petitioner and pay the entire balance amount within a period of 60 days from today. Failing which the same shall carry interest at the rate of 10% per annum. The interest amount shall be recoverable from the erring officers who do not promptly process the claim of the Petitioner. As regards the possibility of further excess payment, it is further directed that the Respondents should intimate the Petitioner about the detail of the excess payment and the Petitioner would be at liberty to challenge the same separately.

7. Writ Petition accordingly stands disposed of with the aforesaid directions.

Sd/-
(P. Sam Koshy)
JUDGE

/Sharad/