

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4952 of 2020**

Smt. Gayatri Shukla W/o Shri K.K. Shukla Aged About 64 Years R/o 24,
Sarita Vihar Colony, B Side Gitanjali City, Phase II, Bahatarai Road,
Bilaspur , Police Station Sarkanda Tahsil and District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Medical Education , Mahanadi Mantralaya Police Station And Post Rakhi, Atal Nagar , New Raipur, District Raipur Chhattisgarh
2. Director O/o Director, Ayurved Yog Natural Therapy, Unani And Homeopathy (Ayush), D.K.S. Campus , Near Shastri Chowk, Raipur, Tahsil and District Raipur Chhattigrah
3. Joint Director O/o Joint Director, Treasury Account Pension , Commissioner Office, Bastar Division, Jagdalpur , District Bastar Chhattisgarh
4. District Ayurved Officer O/o District Ayurveda Officer, Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey with Ms. Laxmeen Kashyap, Advocates
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09/12/2020

1. The grievance of the petitioner in the present writ petition is that in spite of the petitioner has been superannuated for 2½ years ago i.e. on 28.02.2018, petitioner's retiral dues and retiral benefits have till date not been finalized by the respondents.
2. According to the counsel for the petitioner there is no Departmental Enquiry /Criminal case or any other impediment by which the petitioner

would become dis-entitled for retiral dues pending or contemplated by the respondents for not releasing the retiral dues. He further submits that petitioner has not even got GPF, GIS, Leave Encashment at the same time has not been paid gratuity and arrears of 7th Pay Scale. 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.

3. 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.
4. Accordingly, let the respondents No.2, 3 & 4 in coordination with each others 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.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge