

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 34 of 2021**

Chandrabhushan Dubey S/o Bhuwanlal Dubey Aged About 63 Years R/o
Village Karnaud, Tahsil Champa, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Water Resources Department,
Mahanadi Bhawan, Raipur, Tahsil and District Raipur Chhattisgarh
2. Chief Engineer Water Resources Department, Hasdeo Project, Rampur,
Korba Division, District Korba Chhattisgarh
3. Superintendent Engineer Water Resources Department, Hasdeo Project
Rampur, Korba Division, District Korba Chhattisgarh
4. Executive Engineer Hasdeo Canal, Water Management Division, Champa,
District Janjgir Champa Chhattisgarh
5. Director Treasury, Audit And Pension Department, Bilaspur Division,
Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. H. V. Sharma, Advocate
For State	:	Mr. Aditya Bhardwaj, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29/01/2021**

1. The present is a second round of litigation by the present petitioner in respect of his retiral dues. The First round of litigation was WPS 3239/2020 which was disposed of on 26.08.2020 whereby this Court had made following observations :-

“The documents would show that it is not in dispute that the petitioner
has retired on 30.06.2019 as per Annexure P-3 from the post of

Assistant Grade-III. Thereafter, no demand and no dues certificate was issued to him on 08.10.2019 (Annexure P-3). Since the petitioner stands retired and long time i.e. almost one year has passed, therefore, the petitioner has further made a representation by Annexure P-4 dated 23.06.2020. Considering the same, it is directed that the respondent No.3 shall decide the application of the petitioner Annexure P-4 within a further period of 45 days from the date of receipt of a copy of this order and thereafter in view of the letter dated 08.10.2019 the retiral dues of the petitioner be released in his favour. If the retiral dues are withheld then in case of levy of interest for late payment, it would be the responsibility of the concerned officer who withholds the release of retiral dues and burden would not be on the government exchequer. The petitioner shall have a liberty to approach this Court in future if grievance is not redressed.”

2. Pursuant thereto respondents have now issued Annexure P-1 on 26.10.2020.
3. From the plain reading of the order Annexure P-1 it appears that respondents have passed an order making certain recovery from the gratuity amount payable to the petitioner. The order is totally silent about the amount to be recovered or the head under which the petitioner has got the alleged excess payment. Annexure P-1 is an order passed by the Executive Engineer to the Joint Director, Treasury , Accounts and Pension, Bilaspur seeking for compliance of this Court's order dated 26.08.2020 in the aforesaid writ petition.
4. Counsel for the petitioner at this juncture submits that petitioner herein who was working on the post of Assistant Grade -III stood retired from service as early as on 30.06.2019 but till date pension has not been finalized and not even the anticipatory pension has been released to the petitioner and there is no order whatsoever issued by the authorities for either withholding

the same or for not processing the same. Likewise, the amount of gratuity till date has not been finalized in spite of the fact that this Court in the earlier round of litigation specifically mentioned that petitioner has obtained No dues certificate and submitted before the authorities for release of his retiral dues. Once when an employee retired from service, it is always expected that retiral dues shall be processed and finalized if not on the date of retirement itself, it should be completed within a short period of time from the date of retirement.

5. In the instant case, till date there has been no order adverse passed by the respondents in respect of any of alleged excess payment or any alleged recovery proceedings initiated against the petitioner, nor is there any intimation in this regard being given by the respondents to the petitioner. The authorities all the more should have considered the fact that petitioner is a low paid employee working on the post of AG-III on the date of retirement i.e. 30.06.2019. For a Government employee much depends upon the ultimate retiral dues that he would get on his retirement with which he plans out how his post retirement life has to be managed. That if the retiral dues are withheld for no reasons whatsoever at least without any formal orders being passed by the respondents in this regard, the same definitely would be arbitrary on the part of the respondents. An employee should not be made to suffer unnecessarily on the part of the respondents. In the instant case in spite of there being a specific order by this Court on 26.08.2020, yet respondents seem to have made a casual approach in redressing the grievance of the petitioner.
6. Given the said facts and circumstances of the case, respondents No.2 to 5 are directed to immediately process the claim of the petitioner so far as unpaid retiral dues are concerned including release of the pensionary benefits, at the earliest preferably within a period of 60 days from today, failing which the entire amount including arrears payable to the petitioner

shall carry interest at the rate of 10% per annum which shall be recoverable from the erring officials who have not promptly processed the claim of the petitioner.

7. As regards, any recovery which has to be made from the petitioner, the respondents are expected to give due intimation to the petitioner in respect of the details of the excess payment made to the petitioner under what head, the amount of excess payment and period during which excess payment allegedly was paid to the petitioner which in turn if petitioner wants can challenge.
8. With the aforesaid observations, the present writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit