

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1359 of 2021**

- Sadanand Sengupta S/o Late Vishwanand Sengupta Aged About 66 Years Retired Revenue Sub Inspector, Nagar Panchayat, Kharora, District Raipur Chhattisgarh R/o Ghudiyari, Ramnagar, In Front Of Aditya Hospital, Lane No. 03, Raipur District-Raipur (C.G.).

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Director Department Of Urban Administration And Development Department, Indravati Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
3. Chief Municipal Officer Nagar Panchayat, Rajim District Gariyaband Chhattisgarh.

---- Respondents

For Petitioner	: Mr. A. K. Prasad, Advocate
For State	: Mr. Rahul Jha, Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/03/2021**

1. The grievance of the petitioner in the present writ petition is that though the petitioner has retired on 31.3.2017 but till date the petitioner has not received a single penny towards leave encashment.
2. According to the petitioner, he has sufficient leave to his credit for encashment but for reasons best known the competent authority, they have not processed the same. In addition to this, the petitioner submits that he has also not received the benefits of the revision of pay with effect from 01.01.2016 as per 7th pay Commission.
3. Given the fact that the petitioner has retired on 31.01.2017, there can

be no doubt that the petitioner was entitled for benefits of the revised pay scale in terms of the 7th pay commission with effect from 01.01.2016, likewise in case if the petitioner had sufficient leave in his credit, there was no reason as to why he would not be entitled for encashment of the same.

4. Given the limited nature of dispute, at this juncture, the writ petition can be disposed off directing the respondents Nos. 2 & 3 to immediately process the claim of the petitioner so far as granting of the benefits of the 7th pay Commission with effect from 01.01.2016 including arrears and also so far as relief of the benefit of leave encashment to the extent permissible under the law. Let a decision in this regard be taken and all admissible payment be made within an outer limit of 90 days from today, failing which, the entire dues shall carry interest @ 10% per annum and the interest part shall be later on recoverable by the State from arraying officials, who have not promptly processed the claim of the petitioner.

5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge