

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.89 of 2021**

Smt. Ganeshmati @ Ganeshmoti W/o Anand Ram Bariha Aged About 75 Years
Address Village Kishanpur, Post Kishanpur, Tahsil Pithora, District Mahasamund
Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of Education, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
2. District Education Officer District Mahasamund Chhattisgarh.
3. Block Education Officer Pithora, District Mahasamund Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

For Appellant : Ms. Aditi Singhvi, Advocate

For State/Respondents : Mr. Chandresh Shrivastava, Deputy Advocate General

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri Goutam Bhaduri, Judge****Judgment on Board****Per Arup Kumar Goswami, Chief Justice****28.10.2021**

Heard Ms. Aditi Singhvi, learned counsel for the appellant. Also heard Mr. Chandresh Shrivastava, learned Deputy Advocate General for the State/respondents.

2. The writ appeal is preferred by the writ petitioner against an order dated 14.01.2021 passed by the learned Single Judge in Writ Petition (S) No.5232 of 2020.

3. The grievance expressed in the writ petition was that though the husband of the appellant, who was working as a Headmaster, had died in harness on 03.11.2002 and although more than 18 years have elapsed, his retiral dues have not been paid to the appellant.

4. In the background of the aforesaid, the learned Single Judge disposed of the writ petition as follows :

“4. Under the circumstances, the writ petition at this juncture stands disposed of with a direction to the respondents No.2&3 to ensure that death cum retiral dues payable to the petitioner, subject to all verification so far as entitlement is concerned, be concluded within a period of 120 days and the entire admissible dues should be released to the petitioner within the aforesaid period, failing which any amount payable to the petitioner would carry interest @ 10 percent per annum from the date of death of the deceased till the actual payment is made.”

5. Ms. Aditi Singhvi, learned counsel for the appellant has submitted that the writ appeal was preferred on the ground that the learned Single Judge had not granted interest @ 10% per annum along with the amount payable from the date of death of the deceased till the actual payment is made. She has further submitted that the learned Single Judge had, however, observed that the appellant would be entitled to interest @ 10% per annum in case of death -cum- retiral dues payable to the appellant was not paid within a period of 120 days. As the period of 120 days has expired and as no appeal was preferred by the State against the aforesaid order, she submit that the appellant would, in any

case, be entitled to 10% interest on the amount payable to the appellant and therefore, there is no surviving cause of action, and as such, the appeal may be disposed of as not pressed.

6. Mr. Chandresh Shrivastava, learned Deputy Advocate General appearing for the State/respondents fairly submits that no appeal has been preferred against the aforesaid order of the learned Single Judge, which is under challenge in this appeal.

7. In view of the above submissions of the learned counsel for the appellant, this appeal is disposed of as not pressed.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge

Anu