

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3976 of 2021**

Sabbir Ahmad S/o Shri Mobin, Aged About 61 Years, Occupation Retried Employee Of SECL, R/o Ward No. 24, Koriya Line, Bartunga, Near Hospital Qtr. No. 286, Chirmiri, District Koriya, Chhattisgarh

---- Petitioner**Versus**

1. S.E.C.L. Through Chief General Manager, SECL Chirmiri Area, G.M. Complex, Podi, P.S. Podi, District Koriya, Chhattisgarh
2. Personal Manager, Chirmiri Colliery (Under Ground Mines), SECL Chirmiri Area, District Koriya, Chhattisgarh
3. Senior Mines Manager, Bartunga Hills, Chirmiri Colliery (Under Ground Mines), SECL Chirmiri Area, District Koriya, Chhattisgarh
4. Deputy Mines Manager, Bartunga Hills, Chirmiri Colliery (Under Ground Mines), SECL Chirmiri Area, District Koriya, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjeev Verma, Advocate
For Respondents	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.09.2021**

1. The dispute in the present writ petition seems to be the non-settlement of the post retiral benefits payable to petitioner.
2. The petitioner herein was an employee under SECL. He was initially appointed in 1988 and crossed the age of superannuation on 31.07.2020. Before the petitioner crossed the age of superannuation, the respondents issued him with a show cause notice in respect of having obtained employment showing a different person's name as

his father. Later he was subjected to disciplinary proceedings. Before the disciplinary authority could take a decision, the petitioner had gone to the civil Court by filing Civil Suit No. 55-A/2018. The Civil Suit finally got decided in favour of petitioner declaring that the name reflected in the record as the father of petitioner was correct. Against the judgment passed by the Civil Court, the Management of SECL filed a First Appeal which is still pending. However, there is no interim protection given in favour of SECL. Meanwhile, the petitioner crossed the age of superannuation. Thus, practically the petitioner had worked till the age of superannuation with the respondents. Though more than one year has passed, till date the post retiral benefits has not been cleared which led to the filing of the present writ petition.

3. Learned counsel appearing for the respondents was directed to seek instruction in this regard and he, on seeking instruction, makes a statement today that the entire amount of gratuity payable to petitioner, since there existed a dispute in respect of his employment, stood deposited before the Regional Labour Commissioner as early as on 22.11.2020. He submits that the petitioner can move an appropriate application for release of the same.
4. So far as PF and pensionary benefits are concerned, counsel for the respondents submits that necessary instructions have already been issued to the concerned departments for releasing of the same at the earliest. He further submits that certain amount under leave encashment, Bonus and also Settling Allowance is yet to be paid and which has not been released as the "No Dues Certificate" has not been submitted by the petitioner along with the application for the same. Counsel for respondents submits that subject to the petitioner

submitting an application along with No Dues Certificate, the entire amount shall be released forthwith. He submits that the petitioner herein, in spite of having retired for more than one year back, is still occupying the company's accommodation and unless he vacates the same after depositing the rent up to date as is applicable, the department would find it difficult in releasing the dues and also for issuance of a No Dues Certificate.

5. Learned counsel for the petitioner undertakes that the petitioner herein shall vacate the company's quarter at the earliest preferably within 2 weeks and shall also pay all the admissible rent as is applicable till date for occupying the said accommodation and move an appropriate application for grant of NOC.
6. Given the two undertakings by the learned counsel for the parties, the writ petition at this juncture stands disposed of directing the petitioner to take necessary steps in vacating the company's quarter after paying all the admissible rent till date of his occupation. The Petitioner shall also take appropriate steps for getting the No Dues Certificate released along with the application for the same. Subject to the petitioner furnishing No Dues Certificate, the respondents shall ensure that the entire dues unpaid and payable to the petitioner be released forthwith preferably within a period of 14 days from the date the petitioner submits no dues certificate.
7. With the aforesaid observation and direction, the writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**