

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2481 of 2021**

1. D. D. Sahu (Dular Das Sahu), S/o Shri K.R. Sahu, Aged About 65 Years Retired Lecturer R/o Village Sankra (K), Karhibhadar, District Balod Chhattisgarh
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Joint Director, Treasury Accounts And Pension Divisional Office, Durg, District Durg Chhattisgarh.
3. District Education Officer, Balod, District Balod Chhattisgarh.
4. Principal, Government Basic Higher Secondary School Balod District Balod Chhattisgarh.
----**Respondents**

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For State	:	Shri Amrito Das, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.06.2021**

1. The petitioner in the present writ petition is aggrieved of the inaction on the part of the respondents in settling the pensionary benefits of the petitioner.
2. According to the Counsel for the petitioner, the petitioner herein retired from service on the post of lecture and retired from the Govt. Basic Higher secondary School Balod on 28.02.2018. Subsequent to his retirement, the respondents initiated a recovery proceedings for an amount of Rs. 41,523/-. Out of which the respondents/State could recover the amount of Rs. 4155/- and there was a balance of recovery to be made for an amount of Rs. 37,368/-. The petitioner had

challenged the said recovery by way of a writ petition i.e. WP(S) No. 2974/2012 and there is an interim order against the recovery by the High Court and the writ petition is still pending consideration.

3. It appears that the said litigation and the recovery of the amount of Rs. 37,368/-, the pensionary benefits of the petitioner has till date not been finalized.
4. At this juncture, learned counsel for the petitioner submits that since he has retired in the year 2018, he has till date not received any pensionary benefits. Counsel for the petitioner submits that as of now let the respondents retain an amount of Rs. 37,368/- from his pensionary dues and release the balance of pensionary benefits and also regular pension henceforth and the retained amount Rs. 37,368/- may be decided subject to the out-come of the WP(S) No. 2947/2012.
5. Learned Additional Advocate General does not have any strong objection to the request made by the counsel for the petitioner.
6. Accordingly, the writ petition at this juncture is disposed of directing the respondents to ensure that the entire pensionary benefits payable to the petitioner from the time of his retirement till date after retaining an amount Rs. 37,368/- be released, unless there is any other claim under the rules payable by the petitioner. Let the aforesaid pensionary dues be settled at the earliest preferably within a period of 90 days.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

P. Sam Koshy
Judge