

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 91 OF 2021**

- Managing Director, Chhattisgarh State Antyavyasai Sahakari Vitta Evum Vikas Nigam, (T.R.I.) Bhawan, Second Floor, Sector 24, Naya Raipur, Atal Nagar, District Raipur (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Scheduled Castes and Scheduled Tribes Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG)
2. The Secretary, Chhattisgarh State Antyavyasai Sahakari Vitta Evum Vikas Nigam, (T.R.I.) Bhawan, Second Floor, Sector 24, Naya Raipur, Aal Nagar, District Raipur (CG)
3. P.K. Sharma, S/o Late Rajaram Sharma, aged about 60 years, R/o Sarkanda, Bilaspur, P.S. Sarkanda, District Bilaspur (CG) **... Respondents**

For Petitioner : Mr. Vikas Dubey, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/06/2021**

1. The present Review Petition has been filed seeking review of the Order dated 15.1.2021 passed by this Court in WPS No.5298/2020.

2. For better disposal of the Review Petition, it would be relevant at this juncture

to quote Paragraph-4 of the Order dated 15.1.2021:-

“4. Given the facts and circumstances of the case, since there is no final order or recovery issued against the petitioner till his retirement or thereafter, the respondents No.2&3 are directed to ensure that entire admissible retiral dues payable to the petitioner be released to him at the earliest preferably within a period of 90 days from the date of receipt of copy of this order, failing which the entire amount shall carry interest @ 10 percent per annum from the date of retirement till the actual payment is made.”

3. The primary contention of Review Petitioner, which led to the filing of the present Review Petition, is certain criminal cases which are pending against the original petitioner/employee (Respondent No.3 herein) and also certain departmental enquiries which are pending, and that those departmental enquiries were initiated before his superannuation from service.

4. Learned Counsel for Review Petitioner thus submits that in the light of the pendency of those criminal cases as also the disciplinary proceedings, it will be difficult on the part of the Review Petitioner to finally settle the retiral dues.
5. During the course of arguments, learned Counsel for Review Petitioner however accepted the fact that the employee would definitely be entitled for any payments which are otherwise payable on his retirement subject to final outcome of the aforementioned proceedings, both under the criminal law as also in the disciplinary proceedings.
6. It would be relevant at this juncture to refer to the operative part (reproduced hereinabove in the preceding paragraph) of the order passed by this Court against which the review has been sought. This Court while disposing of the Writ Petition had on very categorical terms directed to release all admissible retiral dues payable to employee. The reference of admissible retiral dues clearly means to the extent of payment which can be made under the rules in the given circumstances. If under the rules the employee is entitled for any provisional release of the retiral dues, he would be entitled for the same and the remaining portion of the retiral dues would be decided in accordance with the rules governing the field *i.e.* subject to the outcome of those criminal cases as also the disciplinary proceedings, as the case may be.
7. Given the said factual matrix of the case and the order passed by this Court in WPS No.5298/2020, this Court is of the view that the Order dated 15.1.2021 does not warrant any reconsideration by way of review of the same.
8. Review Petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge