

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC NO. 272 OF 2021**

1. State of Chhattisgarh, through: the Secretary, Department of Forest, Mantralaya, New Raipur (CG)
2. Chief Conservator of Forest, Bilaspur Circle, Bilaspur (CG)
3. The Divisional Forest Officer, Forest Division, Katghora, District Korba (CG)
4. Joint Director, Finance-Accounts and Pension, First Floor, New Composite Building, Bilaspur Division, Bilaspur (CG)

Applicants
Respondents

versus

- Komal Das Ghritesh, S/o Late Shri Jhalar Das Ghritesh, aged about 62 years, Retired A.C.F. (Assistant Conservator of Forest), R/o Om Nagar, in front of Prabhakar Memorial School, Jarhabhata, District Bilaspur (CG)

Non-applicant
• Petitioner

For Applicants/Respondents	:	Mr. Rahul Jha, Govt. Advocate, along with Ms. Sunita Jain, Govt. Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/06/2021

1. The present MCC has been filed by Applicants/Respondents seeking for extension of time for compliance of the Order dated 20.1.2021 passed by this Court in WPS No.5381/2020.
2. The order passed by this Court in the aforesaid Writ Petition was for ensuring the settlement of retiral dues including pensionary benefits to the Non-applicant/Petitioner within a period of 90 days, failing which the said amount would carry interest at the rate of 10% per annum from the date of retirement.
3. The present MCC has been filed by Applicants/Respondents stating that the retiral dues to the tune of 90% interim Pension, Group Insurance, arrears of 7th

Pay Commission, Leave Encashment all have been paid, except for the settlement of 10% of the Pension and 20% of the Gratuity.

4. Contention of learned Counsel for Applicants/State is that the finalization of the retiral dues could not be done because of certain missing entries from the GPF Passbook, as also there being an alleged recovery to the tune of Rs.2,28,700/-.
5. It is pertinent to note that when the said Writ Petition was disposed of, there was a categorical submission by Non-Applicant/Petitioner that there was no Departmental Enquiry initiated or contemplated by the Department; nor was any recovery proceeding also initiated against him on the date of retirement.
6. Plain perusal of the MCC would also reveal that even after the disposal of the Writ Petition there does not seem to be any order of recovery issued against Non-applicant/Petitioner and so far as the missing entries of the GPF account are concerned the same can be settled by a due verification of the GPF Passbook of Non-applicant/Petitioner maintained in the office of Applicants/Respondents by counter verifying the same with the Passbook maintained in the office of Accountant General.
7. The order in the Writ Petition was passed as early as on 20.1.2021. It is almost 6 months that the said order has been passed. Though of-course in between there was the impact of COVID-19 pandemic, yet there was substantial time which has been consumed by the Applicants/Respondents for the compliance of the order of this Court.
8. Reluctantly, though this Court is granting a further 60 days' time to Applicants/Respondents for compliance of the order dated 20.1.2021 passed by this Court in WPS No. 5381/2020. However, it is made clear that, as ordered by this Court while disposing of the said Writ Petition, since the admissible dues have not been settled within 90 days, any amount henceforth payable to Non-applicant/Petitioner shall carry interest at the rate of 10% per

annum. Let compliance of this order be done within the said extended period of 60 days.

9. MCC stands allowed and is disposed of accordingly.

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

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