

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2724 of 2021**

1. Sunder Singh Thakur S/o Hari Singh Thakur Aged About 64 Years R/o Ishwar Chhaya Giri Chowk, Badhaipara, Near Santoshi Mandir, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Social Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar District Raipur Chhattisgarh.
2. Director Directorate Of Social Welfare D.K.S. Bhawan Old Building, Raipur, District Raipur Chhattisgarh.
3. Collector Raipur, District Raipur Chhattisgarh.
4. Joint Director District Office Social Welfare, Collectorate Campus, Raipur, District Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Shri Kishore Narayan, Adocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.06.2021**

1. Being aggrieved by the action on the part of the respondents in not settling the retrial dues payable to the petitioner including the pensionary benefits, the present writ petition has been filed.
2. According to the Counsel for the petitioner, the petitioner has retired from service w.e.f. 31.05.2019 on the post of Assistant Grade-II.

According to the counsel for the petitioner, he was entitled for the payment of gratuity to the tune of roughly Rs. 9,00,000/- which till date has not been settled by the respondents. At the same time, the Department initially started payment of Provisional pension, however from November 2020, the provisional pension has also been stopped. Meanwhile, the department had issued a letter to the petitioner showing an outstanding amount to be paid by the petitioner to the Department to the tune of Rs. 44,900/-. This also the petitioner has deposited with the department on 05.03.2021. According to the counsel for the petitioner, after the entire dues having been cleared by the petitioner, there is no further reason whatsoever for the department not to release the pensionary benefits to the petitioner and also the gratuity amount. He categorically makes a submission that there is neither any Departmental Enquiry pending nor any criminal case pending against the petitioner.

3. Learned Counsel for the State referring to certain documents in the writ petition submits that it appears that the matter is under consideration and there are instruction issued by the Higher Authorities to the department, the same shall be settled at the earliest.
4. Given the said submission by the Counsel for the parties, at this juncture, the writ petition is disposed of with a direction to the respondents No. 2 & 4 to ensure that the entire dues payable to the petitioner both against the gratuity amount payable to him and also for final settlement of his pension in accordance with rules is processed and settled at the earliest preferably within a period of 60 days from today.
5. It is made clear that in case if an amount payable to the petitioner is not

paid within the said period of 60 days, the entire amount payable to the petitioner including arrears would carry interest @ 10 % per annum from the date the payments fell due till the actual payments are made. The said amount of interest would be recoverable from the officer who does not process the claim of the petitioner promptly.

6. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge