

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3847 of 2021

1. Bhuvan Lal Sinha S/o Late Dasharath Lal Sinha Aged About 63 Years Retired From the Post of Agriculture Extension Officer R/o Near Kali Mandir, Sai Madir Gali Sorid Police Station And Tahsil - Dhamtari, District - Dhamtari Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through - The Secretary Department of Agriculture Mahanadi Bhawan Atal Nagar Raipur District - Raipur Chhattisgarh.
2. The Joint Director Agriculture Division Raipur District-Raipur Chhattisgarh.
3. Deputy Director Agriculture Dhamtari District - Dhamtari Chhattisgarh.
4. The Assistant Land Conservation Officer Dhamtari District - Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Shri AN Pandey, Advocate.
For State	:	Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.07.2021

1. The present is a second round of litigation. The earlier round of litigation was WPS No.4742 of 2020. The present writ petition has been filed seeking for interest on the delayed release of the gratuity payable to the petitioner on his retirement.
2. The petitioner in the instant case stands retired from service on 31.03.2020. Since the retiral dues were not settled immediately on his retirement, the petitioner had filed the first writ petition i.e. WPS No.4742 of 2020. This court disposed of the said writ petition vide order dated 08.12.2020. While disposing of the said writ petition, the court has specifically ordered the respondents to ensure that entire unpaid retiral dues including pensionary benefits be settled within a period of 90 days. The counsel for the petitioner submits that the entire amount of retiral dues since has been released by the respondents.

3. What is necessary to be looked into is that when the earlier writ petition was filed, the petitioner in that petition also had prayed for releasing of his retiral dues with interest. This court while disposing of the said writ petition had not ordered for grant of interest on the dues to be released by the authorities. The petitioner was quite happy with the order that was passed at that point of time. For non granting of interest by this court in the said order was not either further agitated by the petitioner nor did he move for any review/modification to that order.
4. Given the said facts, particularly when the petitioner in the earlier writ petition also had claimed for interest, filing of a fresh writ petition only claiming for interest now would not be maintainable when the petitioner had already tried his luck on the previous litigation for the said relief.
5. In view of above, this court is of the opinion that the second writ petition to that extent would not be maintainable. The writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge