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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3898 of 2021**

Shivkumar Tiwari S/o Late Shri Sudharam Tiwari, Aged About 63 Years, R/o Near Satbahniya Temple, Bandhwapara, Sarkanda, Bilaspur, P.S. Sarkanda, Tahsil And District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home / Police Mahanadi Bhavan, Mantralaya, Police Station And Post Rakhi, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Inspector General Of Police (I.G.P.) Chhattisgarh Armed Force (CAF) Police Headquarters (PHQ) Near Mahanadi Bhavan Sector 19, Police Station And Post Rakhi, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
3. Joint Director, O/o Joint Director, Treasury, Account And Pension Bilaspur, District Bilaspur, Chhattisgarh
4. Commandant 13th Battalion, I / R, Chhattisgarh Armed Force, Bango, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey with Ms. Laxmeen Kashyap, Advocate
For State	:	Mr. Kunal Das, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.07.2021**

1. Aggrieved by the inaction on the part of Respondents in settling the retiral dues including pensionary benefits, the present Writ Petition has been filed by Petitioner.
2. Relevant facts for disposal of the present Writ Petition are that the

Petitioner was working under the Respondents as a Head Constable. He retired from service on 30.11.2020. Though he has retired on 30.11.2020, till date he has been denied the entire retiral dues that he was entitled for.

3. According to Petitioner, before his retirement, on 17.01.2020 the Respondents had initiated a recovery proceeding against him for an amount of Rs.1,19,045/- of which an amount of Rs.72,000/- was already recovered by Respondents and for the balance of amount of Rs.47,045/-, the Petitioner had preferred a Writ Petition challenging the entire recovery proceeding, vide W.P.(S) No. 2533/2020.
4. This Court vide its order dated 01.07.2020 has stayed the further proceeding and the said Writ Petition is still pending consideration. According to Petitioner, as a result of the pendency of the aforesaid Writ Petition, the Respondents have till date not finalized the dues payable to Petitioner including the pensionary benefits.
5. Today, when the matter is taken up for hearing, learned counsel for Petitioner submits that as of now the present Writ Petition may be disposed of directing the Respondents to retain an amount of Rs.1,19,045/- of which Rs.72,000/- has already been recovered and for the balance amount there is already a stay by this Court and the remaining admissible dues may be processed and cleared at the earliest as the Petitioner is finding it difficulty to sustain after his retirement without any monetary benefits.
6. Prayer of Petitioner seems to be quite fair. The entire dispute seems to be revolving around the notice of recovery issued for an amount of Rs.1,19,045/- which is already under consideration in a separate Writ Petition i.e. W.P.(S) No.2533/2020. Whether the order of recovery and

the recovery already made is justified, the same would be subject to the outcome of the said Writ Petition. However, as regards the undisputed amount which the Petitioner is otherwise entitled for on his retirement, there does not seem to be any reason why the same should not be released to him unless there is some other impediment under the rules.

7. Given the said facts, the present Writ Petition at this juncture is disposed of directing the Respondents No.2 to 5 to immediately process the admissible/ payable dues inclusive of pensionary benefits to Petitioner after retaining the amount of Rs.1,19,045/- which includes Rs.72,000/- which has already been recovered, at the earliest, preferably within a period of ninety days from the date of receipt copy of this Order.
8. As regards the fate of that amount Rs.1,19,045/- which would be retained, the same shall depend upon the outcome of the Writ Petition which the Petitioner has preferred separately, i.e., W.P.(S) No.2533/2020.
9. With aforesaid direction/observation, the Writ Petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**