

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4154 of 2021

1. Jaldhar Ekka S/o Shri S. Ekka Aged About 62 Years R/o. Eighth Battalion (I/r), Chhattisgarh Armed Force (CAF) Rajnandgaon, P.S.- Lal Bagh, Tahsil And Distt. Rajnandgaon (Chhattisgarh)

---Petitioner(s)

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. Additional Director General of Police (A.D.G.P.), CAF Police Headquarters (PHQ), Near Mahanadi Bhavan, Sector-19, Police Station And Post-Rakhi, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh)
3. Deputy Inspector General of Police (D.I.G.P.), CAF Police Headquarters (Phq), Near Mahanadi Bhavan, Sector - 19, Police Station and Post - Rakhi, Atal Nagar, Nawa Raipur, District- Raipur (Chhattisgarh)
4. Commandant Eighth Battalion (I/r), Chhattisgarh Armed Force, CAF, Rajnandgaon, Distt. Rajnandgaon (Chhattisgarh).

---Respondents

For Petitioner	:	Shri Abhishek Pandey and Ms. Laxmin Kashyap, Advocates.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.08.2021

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 the disposal of the present Writ Petition are that the Petitioner was working under the Respondents as an Sub Inspector (MT). He retired from services on 30.06.2021. Though he has been retired on 30.06.2021, but till date he has been denied the entire retiral dues that he was entitled for.
3. According to Petitioner, immediately before his retirement, on 29.11.2019 the Respondents had initiated a recovery proceeding against him for an amount of Rs.1,27,900/- of which an amount of Rs.24,000/- was already

recovered by Respondents and for the balance of amount of Rs.1,03,900/-, the Petitioner has preferred a Writ Petition challenging the entire recovery proceeding, vide W.P.(S) No.1118/2020.

4. This Court vide its Order dated 20.02.2020 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.1,27,900/- of which Rs.24,000/- 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 difficult 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.1,27,900/- which is already under consideration in a separate Writ Petition i.e. W.P.(S) No.1118/2020. 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.1,27,900/- which includes Rs.24,000/- 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.1,27,900/- 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.1118/2020.
9. With aforesaid direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder