

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4403 OF 2021**

- N.K. Dubey, S/o Late Gajanand Dubey, aged about 64 years, R/o Shiv Park Colony, near Petrol Pump, Bhothil, Amleshwar, District Durg (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (CG)
2. Chhattisgarh State Dairy Co-Operative Federation Ltd., through its Authorized Officer, Village Urla, Post BMV Charoda, P.S. Charoda, District Durg (CG)

... Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate.
For Respondent No.1	:	Mr. Kunal Das, Panel Lawyer.
For Respondent No.2	:	Mr. Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/08/2021**

1. The limited relief that Petitioner has sought for through the present Writ Petition is the non-settlement of the leave encashment which he is entitled for on his superannuation as also the non-releasing of the annual increment for the year 2015-16.
2. Petitioner stands superannuated with effect from 31.12.2016. He was working under Respondent No.2 on the post of Manager. Claim of Petitioner is that for the year 2015-16 he has not been paid the benefits of the annual increment and upon his retirement the leave encashment for a period of 172 days which stood on his credit also has not been released. According to Petitioner, though the Authorities have sanctioned and approved the releasing of the leave encashment but it has not been actually paid to him.
3. Given the limited relief that Petitioner has sought for and the nature of dispute involved in the Petition, this Court is of the opinion that no fruitful purpose would be served in keeping the Petition pending by admitting the same and calling for reply of Respondents. Rather, ends of justice would meet if the present Writ Petition itself is disposed of at this juncture directing Respondent No.2 to immediately scrutinize the claim of Petitioner as regards the non-releasing of the benefits of annual increment for the period of 2015-16 and also for the leave encashment payable to Petitioner on his retirement for a period of 172 days.

4. Upon scrutiny if Respondent No.2 finds that Petitioner is entitled for the benefits under the aforesaid two heads, the same should be forthwith released to Petitioner without any further delay. In case Respondent No.2 finds that Petitioner was not otherwise under the rules entitled for the said benefits, then appropriate intimation in this regard be made to him within a period of 45 days from the date of receipt of copy of this Order. Further, in case Respondent No.2 finds that Petitioner is entitled for the said benefits, then appropriate payment should be made to him within a period of 60 days from the date of receipt of copy of this Order, failing which the entire amount shall carry interest at the rate of 10% per annum from the date of retirement of Petitioner till the date of actual payment. The interest part would be recoverable from the erring Officers who have not processed the claim of Petitioner timely.

5. With aforesaid direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

/sbarad/