

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4845 of 2021

Smt. Sukhiya Bai W/o Naresh Yadav Aged About 52 Years R/o Khutapara
Azad Ward No. 1, Dongergarh, District- Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State Bank Of India Through- The Deputy General Manager, Zonal
Office, Raipur, District- Raipur (C.G.)
2. Assistant General Manager, State Bank Of India, Sector-1, Bhilai,
District- Durg (C.G.)

---- Respondents

For Petitioner	:	Mr. Shikhar Sharma, Advocate along with Mr. Purnendra Khichariya, Advocate
For Respondents	:	Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/09/2021

1. The grievance of the petitioner seems to be the alleged inaction on the
part of the respondents in not settling the post retiral benefits to the
petitioner's husband Naresh Kumar Yadav while he was alive and after
his death to the petitioner.
2. The petitioner's husband was working under the respondent-Bank as a
Messenger. However, on account of misconduct the services of the
husband of the petitioner was discontinued by an order of compulsory
retirement. The order of compulsory retirement was subjected to
challenge by way of writ petition i.e. WP No. 428/2002. Pending the

said writ petition, petitioner- Naresh Kumar Yadav died on 08.10.2012. It is claimed by the petitioner that subsequent to the death of Naresh Kumar Yadav, the petitioner (his widow) had approached to the respondents for the post retiral benefits which was payable to her husband even on the imposition of the compulsory retirement, which it is alleged to have till date not been finalized by the Department. A representation is said to have been made in the year 2015.

3. Counsel for the respondents-Mr. P.R. Patankar, Advocate on advance copy submits that the document of 2015, which is a correspondence made by the petitioner does not reflect any endorsement or receipt of the same with the respondent-Bank. According to Mr. Patankar since it is an order of compulsory retirement Mr. Naresh Kumar Yadav, the husband of the petitioner, would be entitled for same benefits under the Rules governing the field or whatever the Rules prescribes for an employee whose services have been compulsorily retired. If the same has not been settled, subject to the petitioner approaching the Department afresh, the same shall be processed strictly in accordance with Rules and regulations and it shall be finalized.
4. Given the said submissions by the counsel for the respondents, the writ petition at this juncture stands disposed of directing the petitioner to raise her claim afresh within a period of two weeks before the respondents along with the copy of this order and all supporting documents in support of her claim. The respondent-Bank in turn shall process the claim of the petitioner within an outer limit of 60 days. The entire admissible dues whatever would be payable, if any, if till date not

settled and paid to the petitioner earlier, the same shall be released preferably within the given 60 days time.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved