

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4826 OF 2021**

- S. R. Sinha, S/o Shri Ramlal Sinha, aged about 71 years, R/o Madrasipara, Antagarh, District Kanker (CG)

... Petitioner**versus**

1. The State of Chhattisgarh, through the Secretary, Forest Department, D.K.S. Bhawan, Raipur, District Raipur (CG)
2. Conservator of Forest and General Manager, Vanopaj Sahkari Sangh Maryadit, West Bhanupratappur, Kanker (CG)
3. Divisional Forest Officer and Managing Director, Zila Vanopaj Sahkari Sangh Maryadit, West Bhanupratappur, Kanker (CG)
4. Sub Divisional Officer, East Kapsi and Deputy Managing Director, District Union, West Bhanupratappur, Kanker (CG)

... Respondents

For Petitioner	:	Mr. R.K. Pali, Advocate.
For Respondents	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[10/09/2021]**

1. Grievance of Petitioner seems to be the inaction on the part of Respondents in not settling his retiral benefits including the pensionary benefits.
2. Petitioner in the present Writ Petition stood retired from service with effect from 31.7.2008. After his retirement, the Respondents had vide Order dated 19.8.2009 imposed a penalty upon the Petitioner with that of an order of recovery to the tune of Rs.10,52,443/-. The said Order of penalty and recovery was challenged by the Petitioner before this Court in W.P.(S) No.395/2011. The said Writ Petition finally came up for hearing on 14.10.2019 when after hearing the parties, this Court had allowed the Writ Petition quashing the said Order of penalty and recovery dated 19.8.2009. However, while allowing the said Writ Petition, the right of the Respondent - State Authorities stood reserved for proceeding further in accordance with law.

3. Today, when the matter is taken up for hearing, learned Counsel for Petitioner submits that the Order dated 14.10.2019 has not been challenged further and the same has attained finality. He further submits that in spite of the liberty being reserved for the State Authorities, there is no further course of action that the Respondents have initiated pursuant to the liberty given to them. Therefore, for all practical purposes, the Petitioner is also entitled for all the retiral dues which he is otherwise entitled for on the date of his retirement i.e. 31.7.2008. According to learned Counsel for Petitioner, the Order of recovery and penalty earlier passed in 2009 also not being in existence, there is no reason why the Petitioner's post retiral benefits including the pensionary benefits should not be released.

4. Learned Government Advocate appearing for Respondent State Authorities on the other hand submits that it needs to be verified as to whether the Order dated 14.10.2019 has been subjected to challenge; whether the Order has attained finality; and whether the Authorities have taken any steps in the light of the liberty reserved.

5. Be that as it may, since it is a case of non-granting of retiral benefits including the pensionary benefits, the present Writ Petition at this juncture is disposed of directing Respondents No.2 to 4 to immediately process the claim of Petitioner subject to due verification of the steps taken if any, by Respondents Authorities pursuant to the Order dated 14.10.2019. If the Petitioner is not being released with his retiral dues and pensionary benefits only on account of the Order of penalty and recovery earlier passed on 19.8.2009 which finally stands quashed by this Court vide its Order dated 14.10.2019, the Respondents would be required to release all the retiral dues payable to Petitioner forthwith including the pensionary benefits within an outer limit of 90 days.

6. It is made clear that if payment is not released to Petitioner within a period of 90 days, the entire amount payable to Petitioner would carry interest at the rate of 10% per annum from the date of retirement of Petitioner till the actual payment is made.

7. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sbarad/