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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4784 of 2021

1. Rajendra Kumar Dewangan S/o Late Shri Pyare Lal Dewangan, Aged About 64 Years Occupation - Ex - Government Employee, Retd. Driver, R/o Village - Potiyakala Abadipara Ward No. 54, Durg, District - Durg Chhattisgarh.

---Petitioner(s)

Versus

1. The State of Chhattisgarh, Through The Secretary Transport Department, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, New Raipur, District - Raipur Chhattisgarh.
2. Managing Director, Chhattisgarh Infrastructure Development Corporation Limited, Second Floor, Chhattisgarh Rajya Kaushal Vikas, Prardhikarna Bhawan, Old Police Head Quarter Campus, Raipur, District - Raipur Chhattisgarh
3. General Manager, Chhattisgarh Infrastructure Development Corporation Limited, Second Floor, Chhattisgarh Rajya Kaushal Vikas, Prardhikarna Bhawan, Old Police Head Quarter Campus, Raipur, District - Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sumit Shrivastava, Advocate.
For State	:	Shri Shubham Verma, Panel Lawyer.
For Respondent No.2&3	:	Ms. Purnima Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2021.

1. The limited grievance that the petitioner has in the present writ petition is for non settlement of the amount of leave encashment payable to the petitioner on his retirement.

2. According to the petitioner he stood retired from service on crossing the age of superannuation w.e.f. 31.10.2020. However, the respondent authorities have till date not finalized the leave encashment payable to him. According to the petitioner the respondent though have sanctioned an amount of Rs.2,86,235/- towards the leave encashment as would be evident from the Annexure P-1 dated 23.11.2020, however, till date the said amount has not been released or actually paid.

3. Counsel for the respondent Corporation however submits that perhaps on account of paucity of funds the retiral dues have not been settled and they are waiting for additional funds from the government for clearing the dues.

4. Non availability of funds with the respondent Corporation cannot be a ground for withholding of the post retiral benefits payable to the retired employee. So far as retired employee is concerned they are the persons who would require these post retiral benefits at the earliest so that they could invest the same suitably by which they could sustain themselves for the rest of their lives. Any delay in settlement of the retiral dues would cause great hardship and undue inconveniences to the employees and also to their dependents. The respondent authorities ought to have considered these facts and taken necessary steps towards the settlement of all retiral dues of all the employees who were to retire in a particular financial year. Necessary budgetary allocation also should had been taken care of in this regard in advance.

5. Given the facts and circumstances, the writ petition as of now stands disposed of directing the respondents to ensure that the entire payable amount of leave encashment payable to the petitioner on his superannuation be cleared within a period of 45 days failing which the entire amount shall carry interest at the rate of 10% per annum from the date of retirement till the date of actual payment.

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

Sd/-
(P. Sam Koshy)
Judge

inder