

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5069 of 2021

1. Narendra Prasad Singh S/o Late Madhav Singh Aged About 63 Years Retired Assistant Engineer/sdo, Water Resources Department, Division Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh R/o House No. 08, Kalyanbag Colony, Rakkishore Nagar, P.S. Sarkanda, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Engineer In Chief Water Resources Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. Executive Engineer Water Resources Division-No. 2, Water Resources Department, Ramanujganj District Balrampur-Ramanujganj Chhattisgarh
4. Senior Treasury Officer District Treasury Bilaspur District Bilaspur Chhattisgarh
5. The Account General Of Chhattisgarh Vidhan Sabha Road, Raipur District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Shri FS Khare, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.
For Respondent No.5	:	Shri Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.09.2021

1. The limited grievance that the petitioner has in the present writ petition is the non settlement of the GPF dues as well as non payment of arrears of 7th Pay Commission recommendation from 01.01.2016 to the date of retirement i.e. 30.12.2017.
2. The present is the second round of litigation on behalf of the petitioner for his post retiral benefits. The petitioner, as has been stated earlier, stood retired from service on the post of Assistant Engineer w.e.f. 30.12.2017. Though he had retired, the respondents had not cleared the retiral dues to the petitioner which led to the filing of previous writ petition WPS No.3006 of 2016. The said writ petition got disposed of on 12.04.2018 directing the

respondents to ensure that the entire admissible retiral dues are paid to the petitioner forthwith within a period of 45 days.

- 3.** Thereafter, it is said that the petitioner was paid the retiral dues except for releasing of GPF amount as also the arrears of the 7th Pay Commission. The non settlement of these two accounts were said to be on account of the pending Departmental Enquiry against the petitioner which itself was initiated after his retirement. Now the departmental enquiry has also been concluded and the petitioner has been inflicted with a punishment of reduction of his pension by 5 percent for a period of one year. The punishment was imposed as early as on 24.06.2020 and the petitioner presently is also getting the pension after reduction of 5 percent as per the punishment.
- 4.** Though more than 15 months have lapsed from the date the disciplinary proceeding was concluded, the petitioner has still not been provided GPF amount as also the arrears of 7th Pay Commission till date. We should not forget the fact that the petitioner stood retired from service from 30.12.2017 i.e. more than four years have lapsed by now. Now that the punishment order has also been inflicted more than 15 months back, nothing further remains on the part of the respondents in settling the GPF account as also the arrears of 7th Pay Commission payable to the petitioner. The petitioner is repeatedly being made to approach the court of law for every claim which otherwise should had been given to him as a matter of right.
- 5.** Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondents No.2 to 5 to ensure that entire GPF amount as also the arrears of 7th Pay Commission payable to the petitioner is settled at the earliest within a period of 30 days from the date of receipt of copy of this order, failing which the entire

amount payable to the petitioner shall carry interest @ 10 percent per annum from the date of retirement till its actual payment. The interest part would be recoverable from the respondents No.2 to 4 who did not promptly processed the claim of the petitioner inspite of order of this court.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder