

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WRIT PETITION (S) NO. 5480 OF 2021**

- Ajay Kumar Dubey, S/o Late Bhagvati Prasad Dubey, aged about 63 years, Retired Senior Technician of C.G.S.D.C.F., R/o Laxmi Nagar, in front of Shiv Temple, Jhanda Chowk, Pachpedi Naka, Raipur (C.G.)

**... Petitioner****versus**

1. State of Chhattisgarh, through its Secretary, Department of Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur (C.G.)

2. Chhattisgarh State Dairy Co-Operative Federation Ltd., through its Managing Director, Village Urla, Post BMY Charoda, P.S. Charoda, District Durg (C.G.)

**... Respondents**


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| For Petitioner      | : | Mr. Neeraj Choubey, Advocate.                                      |
| For Respondent No.1 | : | Mr. Ayaz Naved, Govt. Advocate.                                    |
| For Respondent No.2 | : | Mr. K. Rohan, Advocate, under instructions of Mr. Amrito Das, Adv. |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****[05/10/2021]**

1. Ignoring the defaults pointed out by the Registry, the matter was heard finally at admission stage itself with the consent of learned Counsels appearing for the parties.

2. Grievance of Petitioner in the present Writ Petition seems to be the non-releasing of difference of payment of Gratuity in the light of the upper ceiling in the Payment of Gratuity Act being enhanced from Rs.10 Lakh to Rs.20 Lakh. Another relief which Petitioner is claiming for is the arrears of the DA, pursuant to which he became entitled for the revision of pay scale which has been given effect to with effect from 1.7.2017 onwards.

3. Learned Counsel for Respondent No.1 submits that as per the directions of this Court he has already sought instructions from the Department and it has been informed that there is no dispute so far as the entitlement of Petitioner is concerned and that, except for the paucity of funds, the Petitioner would be paid the entire amount at the earliest after due verification and calculation as regards the entitlement part.

4. Given the said submission by learned Counsel for Respondent No.1, what needs to be appreciated at this juncture is that the Petitioner stood retired about more than 3 years ago. The period of 3 years is quite a long time for any retired employee to receive his post retiral benefits. The entitlement of Petitioner fructified before his retirement. It is not a case where the benefits have accrued subsequent to his retirement and in spite of that waiting for more than 3 years for clearance of his retiral dues is quite some time. Paucity of funds can never be a ground for settlement of dues of a retired employee.

5. Without further delving into the issue, this Court therefore is of the opinion that the present Writ Petition as of now can be disposed of directing the Respondents to ensure that the entire admissible dues payable to Petitioner be cleared by Respondent No.1 positively within a period of 60 days from the date of receipt of copy of this Order, failing which the entire amount payable shall carry interest at the rate of 10% per annum from the date of retirement of Petitioner till the actual payment is made.

6. Writ Petition accordingly stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
**Judge**