

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5207 of 2021**

Dhan Singh Patel S/o Late Shri Agrasen Patel Aged About 63 Years Retired
Assistant Commissioner, Tribal Welfare Department R/o Ashok Nagar
Chantidih, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Scheduled Tribe And Scheduled Caste Development Department, Mahanadi Bhawan, District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission Through Secretary, Public Service Commission, Raipur District Raipur Chhattisgarh
3. Commissioner Scheduled Tribe And Scheduled Caste Development Department, Indravati Bhawan, Atal Nagar District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anoop Majumdar, Advocate.
For State	:	Ms. Akansha Jain, Dy. GA
For Res. No.2	:	Mr. Anand Mohan Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29.09.2021**

1. The claim of the petitioner in the present writ petition is the inaction on the part of the respondents in not finalizing the retiral dues payable to the petitioner.
2. The petitioner in the instant case has retired from service on 30.06.2020 from the post of Assistant Commissioner under the Tribal Welfare Department. Though, it is about 15 months time that petitioner has retired. The retiral dues of the petitioner has not been

finalized and he has not received any single penny. He is being paid only provisional pension. However, no other retiral dues has been settled. Counsel for the petitioner submits that while in service in the year 2013, he was subjected to disciplinary proceedings and have inflicted with a punishment on 26.03.2013, the punishment was of stoppage of annual increments with cumulative effect. The petitioner had preferred the departmental appeal which too stands rejected and thereafter the petitioner has challenged the same by way of writ petition which is still pending consideration before the High Court.

3. Counsel for the petitioner further submits that respondents have implemented the order of punishment and his four annual increments have been stopped. And other than the said punishment, there is no other disciplinary proceeding either pending or a criminal case pending against the petitioner. There is also no order of recovery till date issued by the respondents against the petitioner. Thus, there is no reason why the petitioner's other retiral dues should not be settled at the earliest.
4. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that petitioner has since retired for more than 15 months, this Court is of the opinion no fruitful purpose would be served in admitting the petition and calling reply of the respondents. Therefore at this juncture the writ petition stands disposed of directing the respondents no.1 & 3 to immediately process the admissible retiral dues payable to the petitioner at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise the respondents No.1

& 3 so far as order passed by this Court is concerned. The petitioner shall also be entitled for interest at the rate of 6% per annum from the date of retirement till the date of actual payment.

5. With the aforesaid observation, the writ petition accordingly stands disposed of.

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

Rohit