

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 4959 OF 2020**

- Rahman Khan, S/o Late Puna Khan, aged about 62 years, Assistant Engineer (Retired), R/o Bairan Bazar, Fawwara Chowk, Raipur, Distt. Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Water Resources, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Engineer in Chief, Department of Water Resources, Sector 19, Shivnath Bhawan, Atal Nagar, Raipur, District Raipur (CG)
3. Chief Engineer, Mahanadi Godawari Kachhar, Water Resources Department, Raipur, District Raipur (CG)
4. Executive Engineer, CG Gramin Sadak Vikas Abhikaran Pariyojana Kriyanwayan Ikai, Mungeli, District Mungeli (CG)
5. Director, Treasury, Account and Pension, Block A, Indrawati Bhawan, Naya Raipur, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Mahendra Dubey, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/01/2021**

1. Grievance of Petitioner in the present Writ Petition is the inaction on the part of Respondent No.4 in not issuing the No Dues Certificate to Petitioner, which would enable the Petitioner to get his retiral dues.
2. According to learned Counsel for Petitioner, the Petitioner stood retired on the post of Assistant Engineer with effect from 31.7.2020. Respondent No.3 has issued instructions for getting the No Dues Certificate issued which has to be issued by Respondent No.4 and which the Respondent No.4 has not released. Learned Counsel for Petitioner submits that the Petitioner obtained the No Dues Certificate from all the other Departments where he has discharged his dues prior to his retirement, except from Respondent No.4. He further submits that on the date of retirement i.e. on 31.7.2020, the Petitioner was not facing any disciplinary proceeding or any enquiry as such initiated by any of the Respondents.
3. Given the said submissions, this Court is of the opinion that unless there is an enquiry as such initiated prior to the retirement of Petitioner or any other proceeding of which the employer has taken cognizance of, the No Dues Certificate which has to be otherwise issued at the time his retirement cannot be retained by the Respondents detriment to the interest of Petitioner.

4. Given the said facts, the present Writ Petition at this juncture is being disposed of directing the Respondent No.4 to ensure that, subject to verification of records, the No Dues Certificate be immediately released to the Petitioner in accordance with the service rules, at the earliest, preferably within a period of sixty days from the date of receipt of copy of this order.
5. Writ Petition accordingly stands disposed of with the aforesaid direction.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE