

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 4887 OF 2020**

R. P. Gupta, aged about 67 years, S/o S.P. Gupta, Deputy Commissioner (Retd.), SC & ST Development Department, R/o 80, Floral City, Old Dhamtari Raod, Dunda, Near Kamal Vihar, Raipur, District Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Principal Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (CG)
2. The Secretary, SC & ST Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (CG)
3. The Commissioner, SC & ST Development Department, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Prafull N. Bharat, Advocate.
For Respondents/State	:	Mr. Rahul Jha, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/01/2021**

1. Grievance of the Petitioner in the present Writ Petition is the inaction on the part of the Respondents in non-finalizing the retiral cum pensionary benefits to the Petitioner.
2. Petitioner has been retired from service on attaining the age of superannuation on 31.7.2013. His grievance is that even after more than seven years of his superannuation, except for the provisional pension payable to him and part release of the payment of gratuity, all other retiral dues have not been finalized yet.
3. Contention of learned Counsel for Petitioner is that the Petitioner was subjected to a departmental enquiry while he was in service and even after his retirement and finally the Inquiry Officer vide enquiry report dated 30.7.2016 had found the charges levelled against the Petitioner to be not proved and thus the Petitioner stands exonerated of the charges levelled against him. According to learned Counsel for Petitioner, subsequent to the Petitioner being exonerated of charges levelled against him, there is no other impediment left for the Department in not releasing the retiral dues payable to the Petitioner.

4. Per contra, opposing the Writ Petition, learned State Counsel submits that there appears to be an internal audit which is being conducted and on account of which the retiral dues could not have been released.

5. From the accepted pleadings that are there in the Writ Petition, apparently the Petitioner stood superannuated from service with effect from 31.7.2013 which is more than seven years now. Petitioner initially was subjected to a departmental enquiry which now has culminated on his exoneration in the light of the enquiry report submitted by the Inquiry Officer. There is no other formal order passed by the Respondent authorities whereby the retiral dues or the pensionary benefits have been ordered to be retained or at least it does not reflect from the pleadings attached to the Writ Petition. Given the said facts, as on date, there does not appear to be any order by which the pensionary and retiral benefits could have been retained by the Respondents; nor is there any such impediment under the service rules with which the Respondents could have withheld the release of the retiral dues.

6. In view of above, let the Respondents No. 2 & 3 take an appropriate decision so far as the release of the balance of retiral dues payable to the Petitioner is concerned, strictly in accordance with the rules governing the field, at the earliest, preferably within a period of ninety days from the date of receipt of copy of this order. In case, if the Respondents find that the Petitioner is not entitled for release of that amount as of now, appropriate order in terms of the rules governing the field be issued to the Petitioner within the said period.

7. Writ Petition accordingly stands disposed of.

/sharad/

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