

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5202 of 2020**

Sunanda Garad, Wd/o Late Shri Vaman Rao Garad, Aged About 63 Years
House No. G-11, Moti Nagar, In Front Of Sharda Petrol Pump, Boriyakhurd,
Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of Forest Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
2. Chief Conservator Of Forest, Ex-Office, Chief General Manager Raipur Circle, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Managing Director, Chhattisgarh Rajya Laghu Vanupaj Sahakari Sangh Maryadit, Van Dhan Bhawan, Sector 24, Atal Nagar Raipur, Chhattisgarh
4. Director, Accounts Treasury And Pension District - Gariyaband Chhattisgarh
5. Director, Accounts Treasury And Pension District - Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinay Pandey, Advocate
For State	:	Mr. Rahul Jha, GA

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

14/01/2021

1. The present writ petition has been filed claiming for interest of amount which was released to the petitioner vide order dated 03.06.2019.
2. The fact which needs consideration is that the petitioner's husband was working as an Accountant under the respondents and who died in harness on 23.06.2014. However, the Death Cum Retiral dues of the petitioner was not released to the petitioner in time which was ultimately released on 03.06.2019 after deduction of Rs. 3,69,354/-.

3. The petitioner thereafter filed the writ petition WPS 5640/2019 restricting her claim in the said writ petition only to the alleged illegal recovery made by the State Authorities to the tune of Rs. 3,69,354/- the said writ petition was allowed on 26.02.2020.
4. The point which needs consideration is that the petitioner at that point of time knowingly with wide open eyes had not made any further claim except for challenging the recovery initiated by the respondents. The writ petition having thus been allowed almost an year back the petitioner now cannot be permitted to claim interest on the amount which was paid to the petitioner vide Annexure P-1 dated 03.06.2019. If at all, if the petitioner intended to claim the interest, the same should had been claimed along with the writ petition that was filed by her vide WPS 5640/2019 which itself was filed subsequent to the Annexure P-1 being issued and being aggrieved by the action or the decision of the respondents arising out of Annexure P-1. The claim of the petitioner thus is not sustainable and the writ petition therefore needs to be and is accordingly rejected.
5. The reluctance of this Court in entertaining the writ petition would not preclude the petitioner from availing other remedies open to her.

Sd/-
(P. Sam Koshy)
Judge

Rohit