

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5400 of 2020**

Deshilal Khote S/o Lachchhi, Aged About 64 Years, R/o House No. 7,
Bahoriklal Chowk, Janjgir Mod, Police Station – Pamgarh, District -
Janjgir – Champa, Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Ltd. Head Office, Seepat Road Bilaspur, Chhattisgarh
2. Director (Personnel), South Eastern Coalfields Limited, Head Office, Seepat Road Bilaspur, Chhattisgarh
3. Chief General Manager, South Eastern Coalfields Limited, Chirmiri Area, District Koriya, Chhattisgarh
4. Sub Area Manager, South Eastern Coalfields Limited, Chirmiri Open Cast Project, Chirmiri Area, Chirmiri, District Koriya, Chhattisgarh
5. Regional Commissioner, Coal Mines Provident Fund, Seepat Road Sub - Post Office - S E C L, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For Respondents 1 to 4	:	Mr. Vinod Deshmukh, Advocate
For Respondent no.5	:	Mr. Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.01.2021**

1. The grievance of the petitioner in the present writ petition is the non-releasing of the retiral dues payable to the petitioner on his retirement.

2. According to the petitioner, he has retired from service on the post of Clerk Grade-B w.e.f. 30.04.2017 and that his retiral dues have not been finalized/paid to him till date.
3. At this juncture, Shri Vinod Deshmukh, advocate appearing for the employer SECL, on instruction, submits that so far as the gratuity amount is concerned, the entire gratuity amount after necessary deductions has been released to the petitioner on 26.02.2020 on the submission of no-dues certificate by the concerned employee. He submits that certain deductions have been made from the gratuity amount on account of detention of company's quarter. As regards payment of provident fund, counsel for the SECL submits that the same is dealt by a different department i.e. Coal Mines Provident Fund Department i.e. respondent no.5.
4. It appears that there was some litigation made by one Sangeeta Devi in respect of apportionment of the retiral dues payable to the petitioner and a Civil Suit was filed by Sangeeta Devi i.e. Civil Suit No. 16-A/2017 which already stands dismissed by the Civil Judge, Class-II, Chirimiri, District Korea vide judgment dated 13.02.2019.
5. Given the fact that the Civil Suit has also been rejected, this Court does not find any good reason why the respondent no.5 should not release the provident fund payable to the petitioner particularly when the concerned employee himself is alive unless there is some restraint order passed by any Court of law.
6. Given the aforesaid facts, this Court is of the opinion that so far as the provident fund is concerned, the respondent no.5 is directed to ensure that the provident fund payable to the petitioner along with interest till the date of payment is made at the earliest preferably within a period of 45 days from the

date of receipt of copy of this order unless the releasing of provident fund has been stayed by any court of law. As regards the deductions, if any, made from the gratuity amount, the petitioner would be at liberty to challenge the same separately if he intends to do so by way of a separate proceeding.

7. With the aforesaid observation, the writ petition stands disposed of.

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