NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6083 OF 2021

• Santosh Kumar Jha, S/o Late Shri Chhannu Lal Jha, aged about 63 years, Occupation - Ex - Govt. Employee, Retd. Driver, R/o Awadhpuri, Bhatagaon, Raipur, District Raipur (C.G.)

... Petitioner

versus

1. The State of Chhattisgarh, through the Secretary, Transport Department, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, New Raipur, District Raipur (C.G.)
2. Managing Director, Chhattisgarh Infrastructure Development Corporation Limited, Second Floor, Chhattisgarh Rajya Kaushal Vikas, Prardhikarna Bhawan, Old Police Head Quarter Campus, Raipur, District Raipur (C.G.)
3. General Manager, Chhattisgarh Infrastructure Development Corporation Limited, Second Floor, Chhattisgarh Rajya Kaushal Vikas, Prardhikarna Bhawan, Old Police Head Quarter Campus, Raipur, District Raipur (C.G.)

… Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Lalit Jangde, Dy. Govt. Advocate.
For Respondent/Corp.	:	Ms. Purnima Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

[01/11/2021]

1. The limited grievance that Petitioner has in the present Writ Petition is for non-settlement of the gratuity amount and the amount of leave encashment payable to Petitioner on his retirement.

2. Learned Counsel for Petitioner submits that the Petitioner stood retired from services with effect from 30.6.2021 on crossing the age of superannuation, however, the Respondent Authorities have till date not finalized the leave encashment and gratuity amount payable to Petitioner. According to learned Counsel for Petitioner, the Respondents though have sanctioned an amount of Rs.10,32,640/- towards the payment of gratuity and also an amount of Rs.4,13,056/- towards the leave encashment as would be evident from the Annexures P-1 & P-2, however, till date the said amount has not been released or actually paid.

3. Learned Counsel for Respondent Corporation however submits that perhaps on account of paucity of funds the retiral dues have not been settled and they are waiting for additional funds from the Government for clearing the dues.

4. Non-availability of funds with the Respondent Corporation cannot be a ground for withholding of the post retiral benefits payable to a retired employee. So far as the retired employees are concerned, they are the persons who would require these post retiral benefits at the earliest so that they could invest the same suitably by which they could sustain themselves for the rest of their lives. Any delay in settlement of the retiral dues would cause great hardship and undue inconveniences to the employees and also to their dependents. Respondent Authorities ought to have considered these facts and taken necessary steps towards the settlement of all retiral dues of the employees who were to retire in a particular financial year. Necessary budgetary allocation also should had been taken care of in this regard in advance.

5. Given the facts and circumstances of the case, the present Writ Petition as of now is disposed of directing the Respondents to ensure that the entire amount of gratuity and leave encashment payable to Petitioner on his superannuation be cleared within a period of 45 days, failing which the entire amount shall carry interest at the rate of 10% per annum from the date of retirement till the date of actual payment.

6. With aforesaid observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/