

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5298 of 2020

1. P. K. Sharma S/o Late Rajaram Sharma Aged About 60 Years R/o Sarkanda, Bilaspur P.S. Sarkanda, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribe Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Managing Director Chhattisgarh State Antyavyasai Sahakari Vitta Evum Vikas Nigam, (T.R.I.) Bhawan, Second Floor, Sector - 24, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Secretary Chhattisgarh State Antyavyasai Sahakari Vitta Evum Vikas Nigam (T.R.I.) Bhawan, Second Floor Sector - 24, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Ajay Kumrani, Advocate.
For State	:	Shri Vikas Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.01.2021

1. The grievance of the petitioner in the present writ petition is to the extent of non releasing of any retiral dues payable to the petitioner on his retirement.
2. According to the petitioner, he stood retired from the post of Chief Executive Officer of Zila Antyavyasai Sahakari Vitt Evam Vikas Nigam w.e.f. 30.07.2020, however, till date no retiral dues including pensionary benefits have been given to the petitioner though more than six months have been passed from the date of retirement.
3. The State counsel submits that there appears to be some recovery to be made from the petitioner which is disputed by the petitioner for the reasons that according to the petitioner till his retirement he has not been served with any recovery notice by the department with which he could have given any justification or explanation . The State counsel on going through

records submits that there is recovery of Rs.1,16,718/- in respect of certain amount received by the petitioner, of which the expenses have not been shown to the department. The said advance payment received by the petitioner was of the year, 2003, 2016 and 2017, however, admittedly no notice whatsoever have been issued to the petitioner in this regard.

4. Given the facts and circumstances of the case, since there is no final order or recovery issued against the petitioner till his retirement or thereafter, the respondents No.2&3 are directed to ensure that entire admissible retiral dues payable to the petitioner be released to him at the earliest preferably within a period of 90 days from the date of receipt of copy of this order, failing which the entire amount shall carry interest @ 10 percent per annum from the date of retirement till the actual payment is made.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder