

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 8661 of 2019**

S. P. Tiwari S/o. Late J. P. Tiwari, Aged About 65 Years, R/o Near Forest Naka, Maglu Road, Aadhawal, Jagdalpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh
2. The Director, Directorate Of Higher Education, Indrawarti Bhawan, Atal Nagar, Raipur, Chhattisgarh
3. The Principal, Government Danteshwari P.G. Women College Jagdalpur, Chhattisgarh
4. District Collector, District-Jagdalpur, Chhattisgarh
5. Smt. Babeeta Diwan, In-Charge Principal, Government Danteshwari P.G. Women College, Jagdalpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate
For State	:	Mr. S. S. Thakur, P.L. & Mr. Aditya Bhardwaj, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.03.2021**

1. The claim of the petitioner in the present writ petition is the inaction on the part of the respondents in not releasing the pension, gratuity and other retiral dues which the petitioner is entitled for.
2. The facts of the case in the instant case are that the petitioner retired from the post of Assistant Professor on 31.05.2019. After his

retirement, the petitioner has not been granted any retiral dues like gratuity, leave encashment and other monetary benefits which he would otherwise entitled for.

3. The only ground on which the respondents have withheld the retiral dues is the alleged recommendation made by the Lokayukta, State of Chhattisgarh wherein there has been some finding of the Lokayukta in respect of the purchase of computers for Bastar University. The purchase order was subsequently cancelled by the University itself and as such the purchase has not been given effect to. The recommendation of the Lokayukta making certain observations against the petitioner was subjected to challenge in WPS No. 4477/2018 and this Court vide order dated 10.07.2018 stayed the effect and operation of the recommendations of the Lokayukta. The second ground seems to be the charge sheet which has been issued by the State authorities against the petitioner pursuant to the recommendation of the Lokayukta, on 15.10.2018. According to the petitioner, though the charge sheet was issued as early as on 15.10.2018, the Department till date has not proceeded further with the charge sheet. The contention of the counsel for the petitioner is that since the purchase order issued for purchase of computers for Bastar University itself was cancelled, there was no financial loss caused to the University and therefore, there was no reason why the gratuity payable to the petitioner should be withheld. Since the petitioner now stands retired for almost more than 1 ½ years, without retiral dues the petitioner finds it difficult to sustain himself and also the dependents on him.
4. State counsel, except for the contention of there being a recommendation by the Lokayukta and the issuance of charge sheet,

has not been able to show any legal provision by which the retiral dues could have been withheld or stopped so far as the petitioner is concerned.

5. Counsel for the petitioner, at this juncture, submits that the Agency which was given the purchase order for supply of computers, after cancellation of the purchase order, had filed a writ petition before the High Court challenging the cancellation of the purchase order vide WPC No. 1510/2019 and the Division Bench of this Court finally vide its order dated 19.10.2020 rejecting the writ petition held that the said Agency would not be entitled for any monetary benefit from the University and also reached to the conclusion that the dispute involved in the writ petition appears to be a civil dispute inter se between the so called agency and the University. According to the petitioner, after dismissal of the said writ petition also now the petitioner would be entitled for all the retiral dues and benefits.
6. Having heard the contentions put forth on either side and on perusal of the record and also taking into consideration the aforesaid facts and circumstances of the case particularly the fact that the recommendation of the Lokayukta stands stayed by this Court in the writ petition mentioned in the preceding paragraph and the claim of the petitioner in WPC No.1510/2019 i.e. the Agency which was issued with the purchase of 65 computers also getting rejected and the finding of the Division Bench that the said agency is not entitled for any monetary benefit more particularly the fact that ultimately the purchase order itself stands cancelled, there does not seem to have been any financial loss caused to the University on account of the said purchase order being cancelled so as to withhold the retiral dues and monetary

benefits payable to the petitioner on his retirement.

7. Under the circumstances, this Court is inclined to allow the writ petition at this stage directing the respondents to ensure that 50% of the gratuity amount and other retiral dues payable to the petitioner, if not paid till date, be released immediately and the balance amount payable to the petitioner would be determined after the outcome of the charge sheet which was issued to the petitioner on 15.10.2018.
8. The writ petition accordingly stands disposed of.

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