

**(2019) 02 CHH CK 0326**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 1108 Of 2019

G.S. Thakur

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Feb. 19, 2019

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** B. Gopa Kumar, Sunita Jain

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### **Judgement**

P. Sam Koshy, J

1. The grievance of the petitioner in the present case is that since the petitioner retired from the post of Range Officer with effect from 30.06.2017, till

date though more than one and a half years have lapsed, he has not received any pension and gratuity.

2. The counsel for the petitioner refer to a correspondence dated 13.12.2018 issued by the Senior Treasury officer to the respondent No. 3 for

providing necessary details and service particulars of the petitioner so as to enable the Treasury Office to release pension and gratuity to the

petitioner, but the respondents have till date not taken any step for the compliance of the said direction given by the Treasury Office.

3. On the contrary, the respondent No. 3 has later issued a communication marked to the respondent No. 2 dated 25.01.2019 that the department

intends to initiate a disciplinary proceedings against the petitioner and the charge sheet for which has also been enclosed and was being sent to the

respondent No 2 for approval and necessary instructions.

4. At this juncture, it would be relevant to mention that the petitioner has retired from service on 30.06.2017. Till the date of retirement there was no show cause, no charge sheet or department enquiry pending against the petitioner.

5. The service rules is very clear that beyond retirement the employer would not be entitled for initiating disciplinary proceedings against the retired employee.

6. Moreover taking into consideration the fact and the circumstances of the present case also there does not seem to be any further action taken by the department against the present petitioner and as such, as on date, the petitioner does not suffer from any disqualification from receiving the pension and gratuity on his retirement.

7. Given the said fact and circumstances of the case, let the respondent No. 2&3 take appropriate steps in ensuring that the necessary details as has been sought by the Senior Treasury Officer in respect of the service particulars and details of the petitioner vide their correspondence dated 13.12.2018 be furnished to the Senior Treasury Officer within a period of 45 days from the date of receipt of copy of this order and the Treasury Office is further directed to ensure that necessary pension and gratuity are released to the petitioner thereafter at the earliest. It shall be the responsibility of the petitioner to apprise respondent No. 2&3 so far as order passed by this Court is concerned.