

A.K.Siddiqui. Vs.The State of Madhya Pradesh, and ors.

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Court : Madhya Pradesh Jabalpur

Decided On : Jul-22-2010

Judge : R.S.Jha, J.

Appeal No. : W.P.No. 2846 / 2003.

Appellant : A.K.Siddiqui.

Respondent : The State of Madhya Pradesh, and ors.

Advocate for Def. : Shri Yogesh Dhande, Adv.

Advocate for Pet/Ap. : Shri Atulanand Awasthy, Adv.

Judgement :

1. The petitioner, who has retired as Assistant Soil Officer, has filed this petition claiming settlement of retiral dues.

2. It is submitted by the learned counsel for the petitioner that he retired from service on 31-7-2002 but till date his retiral dues have not been finalized and an amount of Rs.2,26,054/- has been retained by the respondents from his gratuity and other dues and is being paid only 90% of actual pension. It is submitted that the petitioner while he was posted at Balaghat, was entrusted with construction of Saleya Wadi Irrigation Tank in respect of which some complaints were made before the Collector pursuant to which the entire measurement books, receipts and vouchers were seized by the S.D.O. and deposited in the office of the Collector, but no further enquiry or investigation has been conducted by the

authorities. On account of the aforesaid seizure the petitioner's pension and retiral dues have not been finalized and an amount of Rs.2,26,054/- has been arbitrarily withheld which be paid to the petitioner along with interest.

3. The petitioner has submitted that he had filed Original Application No. 1/2003 before the State Administrative Tribunal, Jabalpur, which was disposed of by order dated 3-1-2003 in the following terms directing the respondent-authorities to complete the enquiry within a period of two months in spite of which the respondent-authorities have not taken any steps towards finalization of the petitioner's pension or refund of the amount.

"3.1.2003 Applicant by Shri Atul Awasthy, Adv. Respondent by Shri Rahul Jain, P.L. Heard on admission. Record perused. Matter related with payment of retiral dues to the applicant. The facts as pleaded in the petition required to be considered by the administrative side. Applicant has already made a representation for redressal of his grievances and it is pending for consideration, therefore considering the total facts the case, this petition is finally disposed off with the direction that representation of the applicant for payment of retiral dues shall be considered and decided as per rules after proper enquiry within a period of two months from the date of communication of this order with intimating the result to the applicant. If after final decision on the representation of the applicant, applicant feels aggrieved he may challenge it by filing a fresh petition in the Tribunal. Case is finally disposed off accordingly. c.c. as per rules."

4. The respondents have filed a return and have stated that the vouchers seized from the custody of the petitioner in relation to construction of Saleya Wadi Irrigation Tank by the S.D.O., Balaghat were handed over to the S.D.O., Waraseoni for enquiry who has stated that the documents were submitted in the office of respondent No. 4, Collector, Balaghat where the same are not available. It is stated that in that connection a query has been made by respondent No. 4 from the S.D.O., Balaghat and also the S.D.O., Waraseoni vide communication dated 20-2-2004 but no further steps thereafter have been taken. The respondents have stated that steps are being initiated for settlement of the retiral dues of the petitioner and they shall be settled shortly. From a perusal of the record it is clear

that the respondent- authorities in spite of orders passed by the Tribunal on 3-1-2003 for completing the enquiry within two months and thereafter settling the retiral dues of the petitioners have not done so till date. It is further clear that though the respondent-authorities have stated in the return filed on 25-2-2004 that steps are being initiated for settlement of the retiral dues of the petitioner they have not settled the same till date.

5. In the aforesaid facts and circumstances of the case, the petition filed by the petitioner is allowed with a direction to the effect that the respondent-authorities shall finalize and pay the retiral dues as well as pension to the petitioner within two months from the date of furnishing a certified copy of the order passed by this Court today along with interest thereon in accordance with the rules. Learned counsel for the petitioner undertakes that in case, any amount is found due and recoverable from the petitioner in future, the same shall be refunded and paid by the petitioner to the department.

6. In view of the aforesaid directions and the undertaking given by the learned counsel for the petitioner the petition filed by the petitioner stands allowed to the extent indicated above.

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