



2026:CGHC:3450



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3125 of 2023

1 - Ashok Kumar Verma S/o Late Moti Lal Verma Aged About 64 Years
R/o House No. 54/1347, Near Daulat Estate Danganiya Raipur, District :
Raipur, Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Water
Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, Post Rakhi
Naya Raipur, Tahsil And District Raipur, Chhattisgarh.

2 - The Engineer In Chief Department Of Water Resources, Shivnath
Bhawan, Nava Raipur Atal Nagar, District : Raipur, Chhattisgarh.

3 - The Chief Engineer Mahanadi Project Water Resources Department,
Raipur, District : Raipur, Chhattisgarh.

4 - The Superintending Engineer Mahanadi Division Raipur, District :
Raipur, Chhattisgarh.

5 - Executive Engineer Water Management, Division No. 1, Raipur,
District : Raipur, Chhattisgarh.



6 - Executive Engineer Mahanadi Reservoir Project, Distribution-
Network Division No. 3, Tilda-Nevra, District : Raipur, Chhattisgarh.

7 - Senior Treasury Officer Office Of The District- Treasury Raipur,
District : Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Ishan Verma, Advocate.
For Respondent(s)/State	:	Mr. Anand Dadariya, Dy. A.G.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/01/2026

1. By way of this petition, the petitioner has prayed for following
reliefs:-

*"10.1 That, this Hon'ble Court may kindly be pleased to
call for the records of the case of the petitioner.*

*10.2 That, this Hon'ble Court may kindly be pleased to
direct the respondent authorities to issue the No-
Demand, No-Enquiry Certificate to the petitioner;*

*10.3 That, this Hon'ble Court may kindly be pleased to
direct the respondent authorities to pay the gratuity
amount of Rs.1,77,223/-(Rupees One Lac Seventy
Seven Thousand Two Hundred Twenty Three only) vide
issuance of requisite order which has been withheld by
the respondents with interest at the rate of 12% from the
date of retirement of the petitioner i.e. 30.062020, in the
interest of justice;*



10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay the 100% pension to the petitioner;

10.5 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay difference amount Rs.4,795/-(Rupees Four Thousand Seven Hundred Ninety Five only) which has been deducted from the pension of the petitioner per month with interest at the rate of 12%;

10.6 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay the already deducted amount from the pension of the petitioner with interest at the rate of 12%;

10.7 That, this Hon'ble Court may kindly be pleased to restrain the respondents to make any deductions from the retiral dues of the petitioner;

10.8 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Brief facts of the case, is that, the petitioner was initially appointed as a Sub-Engineer on 17.09.1980 in the office of the Executive Engineer, Water Resources Division, Korba, District Korba (now Chhattisgarh), and served there until 25.04.1993. Thereafter, he was successively transferred and served at the offices of the Executive Engineer, Kharang Division, Bilaspur (25.04.1993 to



22.04.1995), Executive Engineer, Water Resources Division, Marwahi, Headquarters Pendra Road (03.05.1995 to 19.09.1995), Executive Engineer, Tandula Water Resources Division, Durg (21.09.1995 to 26.07.1997), Executive Engineer, Water Management Division No.1, Raipur (30.07.1997 to 15.07.1999), Executive Engineer, T.D.P.P. Water Resources Division, Jagdalpur (30.07.1999 to 03.08.2002), Chief Engineer, Mahanadi Reservoir Project, Raipur (05.08.2002 to 17.08.2004), and Executive Engineer, Mahanadi Reservoir Project Distribution-Network Division No.3, Tilda (18.08.2004 to 24.08.2012), where he discharged his duties with utmost sincerity and honesty. He was then transferred vide order dated 30.07.2012 to Water Management Sub-Division No.2, Bhatagaon (Kurud), District Dhamtari, joined on 27.08.2012, and thereafter repeatedly informed the concerned authorities through various letters regarding non-handover of work and security issues of extracted hard rocks by other officials, despite compliance on his part. Subsequently, he was transferred on 18.08.2017 to the office of the Executive Engineer, Water Management Division No.1, Raipur, joined on 21.08.2017, promoted to the post of Assistant Engineer (Civil) vide order dated 05.10.2018, and retired on attaining the age of superannuation on 30.06.2020, however, despite repeated representations, his retiral dues were not fully released on the ground of pending entries relating to transfer of hard rocks, resulting in release of only 90% gratuity and pension



in August 2022, while the balance amounts and No Demand/No Enquiry certificates continue to be withheld till date. Hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner retired from service long back on 30.06.2020, yet, despite the passage of considerable time, the petitioner has not been paid the full and lawful retiral dues. It is contended that the petitioner is entitled to receive the entire amount of pension and all other consequential service benefits in accordance with law. However, the respondent-department has arbitrarily and unjustifiably withheld 10% of the pension as well as 10% of the gratuity. Such withholding, in the absence of any valid justification or subsisting proceedings, is wholly illegal, unwarranted, and contrary to the settled principles governing pensionary benefits, which are a statutory and vested right of the retired employee and are required to be released promptly and in full.
4. In reply, learned counsel for the State submits that while the petitioner was posted as Sub-Divisional Officer, Bhatapara, Branch—Canal Construction Sub Division No. 3, Tilda, an entry relating to the transfer of hard-rock stones is still pending in the accounts of M.A.S. Owing to this unresolved accounting entry, the requisite “no demand/no enquiry” certificate could not be issued in favour of the petitioner, and consequently, the petitioner has not been released the full amount of pension and gratuity. It is further submitted that immediately upon the petitioner clarifying and



settling the said pending position, the entire amount of pension along with all other admissible retiral dues shall be released without any further delay.

5. At this juncture, learned counsel for the petitioner submits that upon the petitioner's transfer from the said place, he duly handed over charge to the concerned officers vide letter dated 24.08.2012, which specifically records the details of the materials as well as the names of the officers before whom the charge of the subject matter was handed over. By the said letter dated 24.08.2012, the petitioner was expressly directed to hand over charge of the subject property, as enumerated therein, to the designated officer concerned, and in compliance thereof, the petitioner duly discharged his obligation. It is further submitted that on the very same date, the petitioner was formally relieved from his duties and, therefore, thereafter, no responsibility whatsoever in respect of the said properties could be attributed to him. Learned counsel further submits that even after retirement, the petitioner again handed over the properties belonging to the State Government through a detailed inventory dated 14.10.2020, and as such, no government property is in possession or custody of the petitioner. According to the petitioner, the entire property, in whatever manner and at whatever stage required, has been fully and finally handed over to the competent authorities. With regard to the issue of a no-dues certificate, it is submitted that since the petitioner's retiral benefits, including pension, have already been



sanctioned and commenced, the petitioner was under the bona fide belief that the requirement of a no-dues certificate stood duly considered and satisfied.

6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the facts and circumstances of the case, and upon due consideration of the submissions advanced by the learned counsel appearing for the respective parties, this Court is of the considered view that the petitioner ought to have clearly clarified and complied with the demand raised in paragraph 5 of the reply by submitting an appropriate and detailed response. In the event such a reply is duly filed by the petitioner, the concerned authorities are directed to examine and consider the same strictly in accordance with law. Upon such consideration, if no legal or factual impediment is found to subsist, the respondent authorities shall proceed to release and disburse the remaining amount payable to the petitioner towards pension as well as gratuity, expeditiously and in accordance with the applicable rules and legal provisions.
8. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat