

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2091 of 2016

- Ramsharan Nayak S/o Late Vishnu Prasad Nayak Aged About 63 Years Retired Head Master Govt. Sarwati Girls Middle School, Purani Basti, Raipur R/o Changorabhata, Raipur District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School, Education Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Director, Public Instructions, Chhattisgarh, H.Q. Indrawati Bhawan, Naya Raipur (Chhattisgarh)
3. The District Education Officer, Raipur (Chhattisgarh)
4. The Divisional Joint Director, Treasury, Account & Pension, Raipur (Chhattisgarh)
5. The Block Education Officer, Block Dharsiwa, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Mr. R. K. Kesharwani, Advocate
For State : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/08/2016

1. On 13.07.2016, last opportunity was granted to the State counsel to file reply, but, today also, reply could not be filed nor any instructions received. He prays for one last opportunity to file return.
2. As last opportunity was already granted, I am not inclined to grant further time.
3. The petitioner has challenged the impugned order dated 06.04.2016, by which, the Divisional Joint Director, Treasury, Accounts and Pension, Raipur, has returned the pension case of the petitioner only on the ground that criminal case has been registered against him.

4. There is no provision under the Pension Rules for withholding the whole pension or finalization of the pension case under such circumstances. Therefore, the denial of the pension on the above stated ground is arbitrary.
5. In view of the above, respondents are directed to finalize the pension case of the petitioner. This order shall not come in the way of any authority to withhold any other amount of retiral dues wholly or in part on the ground of institution of the criminal case as may be specifically provided by the Pension Rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge