

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 885 of 2017**

G. R. Sahu S/o. Late Ram Prasad Sahu, aged about 62 years, Occupation retired Chief Clerk Office of D. E. O. Ambikapur Surguja (Chhattisgarh), R/o Mayapur Ambikapur, District Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of School Education Mantralaya, Mahanadi Bhawan, New Raipur Distt. Raipur (Chhattisgarh)
2. The Director, Directorate of Public Instruction, Indravati Bhawan, New Raipur District Raipur (Chhattisgarh)
3. District Education Officer, Surguja, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Nishi Kant Sinha, Advocate
For Respondents/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/03/2017**

The grievance of the petitioner is that he stood retired from service w.e.f. 30.06.2016, however, till date the respondents have not released the retiral benefits to him. According to the petitioner, perhaps the pensionary benefits/retiral dues have not been processed on account of the criminal case pending against him before the Special Judge at Ambikapur under the Prevention of Corruption Act.

2. Counsel for the petitioner submits that the petitioner might be facing the criminal case but as per the Pensionary Rules governing the service condition of the petitioner, he is entitled for the provisional pension as well as the provisional gratuity which has not been released to him on account of which the petitioner is facing difficulty to sustain himself. Counsel for the petitioner prays that an appropriate direction may be issued to the respondents for releasing the

provisional pension and gratuity to the petitioner. He further submits that a similar writ petition has already been decided by this Court on 27.11.2015 in WPS No. 352/2014 whereby this Court has held that in spite of a criminal case under the Prevention of Corruption Act pending, the retired employee shall be entitled for the provisional pension and gratuity.

3. State counsel at this juncture submits that the present petition may be disposed of with a direction to the respondent no.2 to take a decision in respect of the petitioner's claim for release of provisional pension and gratuity. State counsel, however, submits that the final settlement of retiral dues and pensionary benefits can only be made after the final outcome of the criminal case pending against the petitioner under the Prevention of Corruption Act.

4. In view of the submissions made by the counsel on either side this Court is not inclined to keep the petition pending any further. Accordingly, the present writ petition is disposed of with a direction to respondent no.2 to process the case of the petitioner forthwith for releasing provisional pension as well as provisional gratuity pending the criminal case before the Special Judge, Ambikapur under the Prevention of Corruption Act. Let a decision in this regard be taken within a period of 60 days from the date of presentation of certified copy of this Order. It is made clear that the finalization of retiral dues and pensionary benefits shall be subject to the outcome of the criminal case pending against the petitioner.

Sd/-
(P. Sam Koshy)
JUDGE