

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 295 of 2012**

- Rajmani Tiwari, S/o Late Shiv Kumar Tiwari, Aged about 81 years, R/o Village – Faridabad, P.S. Balawarganj, District Jaunpur, Uttar Pradesh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Government of Chhattisgarh, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. The Secretary, Government of Chhattisgarh, General Administration Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. State of Madhya Pradesh, Through the Secretary, Department of School Education, Vallabh Bhawan, Bhopal (M.P.)
4. The Director, Public Instructions, Chhattisgarh, Raipur (C.G.)
5. The District Education Officer, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner	:	None.
For Respondents	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.04.2018**

1. The prayer made in the present writ petition is for grant of pensionary benefits to the Petitioner and have also questioned the document Ex.P-4 dated 01.11.2000 whereby the State Government had state with held releasing pensionary benefit of the Petitioner have been convicted in the criminal case were the Petitioner was prosecuted for the offence under Section 161 of the Indian Penal Code and Section 5 (1) (D) and 5(2) of the Prevention of Corruption Act, 1947.
2. Given the aforesaid factual matrix of the case and perusal on record it appears that the Petitioner was convicted in criminal case for the offences mentioned in the preceding paragraphs and was sentenced to simple

imprisonment of one year and fine of Rs.1,000/- vide judgment dated 30.09.1999 passed by Special Judge (Raipur) in Special Case No.5/92.

3. Against the said judgment of conviction the Petitioner has preferred an appeal which is CRA No.2721 of 1999 and the said appeal is still pending consideration before this Court. That unless the Petitioner is completely exonerated of the charges in the criminal case the Petitioner would not be entitled for pensionary benefits. Only because the Petitioner's sentence has been suspended by the High Court by itself would not make the Petitioner entitled for pensionary benefit.
4. The very conviction of the Petitioner, which till date has not been quashed/set aside by the Higher Court, the Petitioner stands disqualified for getting pension and pensionary benefits. Moreover, the conviction is for an offence under the Prevention of Corruption Act. Given the aforesaid facts and circumstances of the case, this Court is for the opinion that no direction whatsoever could be given to the Respondents/State at this juncture. However, the Petitioner would be at liberty revive his claim in the event the criminal appeal pending consideration before this Court stand decided in favour of the Petitioner. Accordingly, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE