

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1014 of 2010**

Jai Krishna Barik S/o Shri Lal Bihari Barik, aged about 61 years, ASI (retired) Krishi Upaz Mandi Samiti, Saraipali, R/o village Jognipali, Tahsil Saraipali, District Mahasamund, Chhattisgarh

---- **Petitioner**

Versus

1. Managing Director, CG State Krishi Vipnan (Mandi), Board, Bij Bhawan, Ravigram, Telibandha, G.E. Road, Raipur (CG)
3. Deputy Director, CG State Krishi Vipnan (Mandi), Board, Regional Office, Purani Ganj Mandi, Parisar, Raipur (CG)

---- **Respondents**

For Petitioner	:	Shri R. S. Patel, Advocate
For Respondent/State	:	Shri Y. S. Thakur, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02/07/2018

The grievance of the petitioner is in respect of non releasing of retiral dues payable to him on his superannuation from service w.e.f. 31.08.06. His retiral dues were not settled by virtue of a criminal case which was pending against the petitioner at the relevant point of time.

2. Counsel for the petitioner submits that he has brought on record the judgment of the criminal case wherein the petitioner who was prosecuted for the offence punishable under Section 409 of IPC vide judgment dated 13.03.2018 has been acquitted from the said charge.

3. Given the facts that the petitioner now stands acquitted in the criminal case, it is left for the respondents to take a final decision so far as the retiral dues of the petitioner is concerned in accordance with the

provisions of the pension rules. In addition, the respondents would also have to take a decision so far as the entitlement of the petitioner regarding other retiral dues that he would have received had he not been prosecuted in the criminal case under Section 409 of IPC before the trial Court.

4. Given the nature of dispute and the subsequent acquittal of the petitioner in the criminal case on 13.03.2018, this Court is not inclined to keep the petition pending any further, rather ends of justice would meet if the matter is referred back to respondent no.1 to take a decision in respect of entitlement of the petitioner as regards the retiral dues and the pensionary benefits in accordance with the rules.

5. This Court has not expressed anything on merits and the respondent no.1 shall take a decision in respect of the entitlement of the petitioner as regards his retiral dues including pensionary benefits keeping in view the judgment passed by the criminal Court vide its order dated 13.03.2018 acquitting the petitioner from the offence under Section 409 of IPC.

6. It is also informed by the petitioner that at no point of time he was subjected to any departmental enquiry in respect of the said offence for which he was tried in the criminal case. It is directed that the petitioner should make a detail representation in respect of his claim supported with the judgment of the criminal Court and on receipt of the said representation, respondent no.1 shall decide the same within an outer limit of 60 days from the date of receipt of the representation.

7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**