

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.2249 of 2018**

Shankar Sharma S/o Jhumuklal Sharma Aged About 67 Years Earlier Revenue Inspector Now Retired District Durg Chhattisgarh. R/o Shankar Nagar Durg Tahsil And District Durg Chhattisgarh.

----Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Department Of Revenue , Mahanadi Bhawan Mantralaya Naya Raipur Chhattisgarh.
2. The Collector, Durg District Durg Chhattisgarh.
3. The Superintendent Of Police, Anti Corruption Bureau Raipur Chhattisgarh.
4. The Accountant General Treasury Accounts And Pension, Raipur Chhattisgarh.

---- Respondents

For petitioner	:	Shri PR Patankar, Advocate.
For respondent-State	:	Ms. Sunita Jain, Panel Lawyer.
For respondent No.4	:	Shri RK Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.03.2018.**

1. The petitioner who was a Revenue Inspector, now stands superannuated by virtue of crossing the age of superannuation on 30.06.2010.
2. The petitioner was implicated in criminal case which was registered as case No.01/2001 for the offence punishable under Sections 120-B IPC, 420, 467 IPC and Section 13(1)(d) read with Section 13(2) of PC Act. The matter was put to trial before the Special Judge, Durg, and the court ultimately vide judgment dated 18.07.2017 has acquitted the petitioner from the said charges. Meanwhile, the petitioner was also prosecuted in the departmental proceedings where also he has been exonerated of the charges.

3. Because of pendency of criminal case, the petitioner could not be taken back in service and now by efflux of time the petitioner has crossed the age of superannuation. Given the aforesaid facts and circumstances of the case, the only relief which the petitioner can be granted is of considering his case under the provisions of Fundamental Rules-54.
4. In view of the aforesaid facts circumstances of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending and this petition is disposed of with a direction to the respondent No.2 to consider the case of the petitioner keeping in view the provisions of Fundamental Rule-54. If for any reason the Collector is not competent authority then it shall be the responsibility of the Collector to mark the said file to the concerned competent authority to take a decision in the case.
5. Needless to mention that the respondents shall also consider grant of pensionary benefit payable to the petitioner.
6. The writ petition is accordingly disposed of.

Sd/-
(P.Sam Koshy)
Judge