

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7436 of 2011

Chandra Bhushan Shukla S/o Late Ramachal Shukla, aged about 62 years, Ex. Upper Division Clerk under the office of Chief Medical & Health Officer, Ambikapur, Presently residing at Darripara, Ambikapur, District Surguja (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Govt. of Chhattisgarh, Department of Health & Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.).
2. The Director, Health Services, Chhattisgarh, Raipur (C.G.).
3. The Collector, Ambikapur, District Surguja (C.G.).
4. The Chief Medical & Health Officer, Ambikapur, District Surguja (C.G.).

---Respondents

For petitioner	:	Shri Sushil Dubey, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/04/2018

1. The petitioner in the present Writ Petition was working with the respondents as an Upper Divisional Clerk.
2. The grievance of the petitioner is that his services was placed under suspension on 05/04/1997 on account of his being implicated in a criminal case for the offence under Section 13(1)(E) r/w 13(2) of the Prevention of Corruption Act, 1988.
3. While under suspension, the petitioner attained the age of superannuation on 31/01/2008. Finally, vide order dated 18/03/2010 the

petitioner stands acquitted in the criminal case for the offence prescribed in preceding paragraph.

4. The counsel for the petitioner submits that, though the petitioner stands acquitted in the criminal case for about 10 years now, the respondents till date have not decided the claim of the petitioner as is required under F.R. 54-B of the fundamental rules. He further submits that, there was no departmental enquiry or chargesheet pending till the date of retirement against the petitioner for any misconduct and by virtue of order of acquittal, the case of the petitioner was supposed to be decided by the respondents as is required under F.R. 54-B.

5. The only reply which the State counsel has filed is that the order of acquittal has been challenged by the State Government in an appeal before the High Court which is pending consideration.

6. The said reply of the State counsel would be unacceptable so far as deciding the claim of the petitioner under F.R. 54-B is concerned. Mere filing of an appeal would not disentitle the petitioner from being considered under 54-B of the Fundamental Rules.

7. Given the aforesaid facts and circumstances of the case, let the respondents No. 2 & 4 take a decision in the case of the petitioner and decide his claim in accordance with Section F.R. 54-B of fundamental rules.

8. Let this exercise be done within a period of 90 days from today.

9. It is expected that the respondents shall decide the same within the stipulated period so also issue necessary order for releasing of the retiral dues payable to the petitioner at the earliest.

10. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit