

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5315 of 2017**

Anil Acharya S/o Late Shri K C Acharya, Aged About 63 Years R/o Forest Colony, Mardapal Road, Kondagaon, District Kondagaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Principal Chief Conservator Forest, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
3. Chief Conservator Forest, Kanker, Circle Kanker, District Kanker, Chhattisgarh
4. Divisional Forest Officer, South Kondagaon Forest Range, District Kondagaon, Chhattisgarh
5. Divisional Forest Officer, Narayanpur Forest Range, District Narayanpur, Chhattisgarh

----Respondents

For Petitioner	:	Ms. Shailja Shukla, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/07/2018**

1. The grievance of the petitioner is that the pensionary benefits which were being paid to the petitioner have been abruptly withdrawn without there being any former order passed by the authorities concerned.
2. The petitioner in the instant case was working on the post of Accountant with the respondents and he attained the age of superannuation on 31.10.2017. It is pertinent to mention that the petitioner superannuated being under suspension on account of the petitioner being involved in a criminal case wherein the petitioner was prosecuted for the offence amongst others under Sections 13(1)(d) and 13(2) of the P.C. Act. The petitioner also in due course of time stood convicted in the said case vide

judgment dated 23.08.2017 passed by the Special Judge (P.C. Act) Kondagaon, Chhattisgarh.

3. The petitioner preferred a Criminal Appeal and the application for suspension of sentence has been allowed and the sentence imposed upon the petitioner stands suspended vide order dated 04.09.2017.
4. Meanwhile during the period of suspension till his conviction, the petitioner was granted the subsistence allowance and after crossing the age of superannuation, the petitioner was released of anticipatory pension and subsequently, pending the petition, the petitioner has also been paid the GIS and Family benefits funds amounting to Rs.1,58,038/-.
5. The counsel for the petitioner submits that abruptly the respondents have now stopped the release of the anticipatory pension since the period he has been convicted in the criminal case on 23.08.2017. The counsel for the petitioner submits that the fact that he was getting anticipatory pension and the same being withheld ought to have been intimated to the petitioner by a reasoned order giving the reason as to why the same has been stopped.
6. Given the said facts and circumstances of the case, this Court is of the opinion that let the petitioner make a detailed representation to the respondent No.3 within a period of 3 weeks from today and on the said representation being made the respondent No.3 shall consider the case of the petitioner in accordance with the provisions of the Pension Rules applicable. The respondents shall also keep in mind the rule position so far as the person who stands convicted and the appeal of whom are pending consideration before the High Court and there an appropriate

order be passed within a period of 60 days from the date of receipt of the representation/objection filed by the petitioner.

7. With the aforesaid directions, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved