

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 468 of 2018**

(Arising out of order dated 16.02.2018 passed in WPS No. 295 of 2016 by the learned Single Judge)

1. The State of Chhattisgarh Through The Secretary, Livestock Development Department, Secretariate, Mahanadi Bhawan, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director, Veterinary Services, Ground Floor, Indravati Block, New Raipur Chhattisgarh.
3. The Deputy Director, Veterinary Services, District Raigarh Chhattisgarh.

---- Appellant**Versus**

- Dr. S.D. Dwivedi S/o Late H.R. Dwivedi Aged About 65 Years Occupation Retired Deputy Director, Veterinary Services, Raigarh, R/o Near Kalimata Mandir, Amahiya, Rewa, Police Station Civil Lines, Rewa Civil And Revenue, District Rewa (Madhya Pradesh).

---- Respondents

For Petitioners / State	:	Shri Y. S. Thakur, Additional Advocate General
For Respondent	:	Shri Sunil Kumar Soni, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****20.06.2018**

1. We have heard the learned Additional Advocate General and the learned counsel for the Respondent/writ petitioner.
2. The Respondent served as Deputy Director, Veterinary Services in the Government of Chhattisgarh. On the eve of his retirement, he was placed under suspension on 31.10.2012 on the premise that there is a criminal proceeding against him. He was accordingly deprived of gratuity. This led to the institution of the writ petition.

3. Keeping aside the elaborate discussion made by the learned Single Judge as to whether the Hindi version of the relevant Rule or English version of that Rule would prevail in the light of the relevant constitutional provisions and also law relating to the official language of the State of Chhattisgarh, the substance of this litigation revolves around the factual finding rendered by the learned Single Judge in paragraph 13 in the impugned judgment.
4. It is not in dispute that the date of retirement of the writ petitioner was 31.10.2012. The charge-sheet was filed before the Criminal Court and the Criminal Court took cognizance only on 31.12.2013. Obviously, therefore, the learned Single Judge was justified in concluding that there was no criminal case pending against him in the jurisdiction of any Criminal Court as on the date of retirement of the writ petitioner. The learned Single Judge was therefore abundantly justified in granting the reliefs as has been done through the impugned judgment. This appeal, therefore, fails.
5. In the result, the writ appeal is dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge