

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4630 of 2012**

Ramji Ram Manjhi, S/o. Late Ramvilas Manjhi, Aged about 63 years,
R/o. Sattipara, Nehru Ward, Ward No.21, Ambikapur, Surguja, District
Surguja Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: Secretary, Tribal Welfare Department,
D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh
2. Commissioner, Tribal Welfare, Chhattisgarh, Raipur, District Raipur
Chhattisgarh
3. Assistant Commissioner, Tribal Welfare, Ambikapur, District Surguja
Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District
Surguja Chhattisgarh
5. Collector, Tribal Welfare, Ambikapur, District Surguja Chhattisgarh

----Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/05/2018**

1. The challenge in the present writ petition is to the order dated 12.09.2012, whereby while granting the pensionary benefits to the petitioner, the respondents had ordered granting of 50% of the pension payable to the petitioner.
2. The order was passed in the light of the petitioner being prosecuted in a criminal case pending before the Judicial Magistrate First Class, Rajpur, District Balrampur vide Criminal Case No. 285/2013, wherein he was charged for the offence punishable under Sections 420, 467, 468, 409 and 120B of the Indian Penal Code. The said criminal case has now been concluded and the petitioner has been acquitted of all the charges leveled against him vide judgment dated 28.09.2017.

3. Given the aforesaid factual matrix of the case, there does not appear to be any further ground available for the respondents not to release the full pension, which the petitioner was otherwise entitled for, along with the arrears of pension.
4. Given the aforesaid facts of the case, this Court is inclined to disposed of the present writ petition with a direction to the respondent No.1 to promptly pass a suitable order redressing the grievance of the petitioner, so far as the release of the balance of pension along with the arrears from the date of retirement till the date actual payment is made. The order so passed by the respondent No.1 should be keeping in mind the order of acquittal given to the petitioner in the criminal case.
5. In the light of an order of acquittal being obtained by the petitioner pending the present writ petition, this Court does not intend to deal with the legality and veracity of the order (Annexure P/1) under challenge in the present writ petition, as it has lost its efficacy by virtue of the judgment of the criminal Court.
6. It is expected that considering the age of the petitioner, who has crossed the age of superannuation in the year 2011, the respondent No.1 shall take a decision in the case of the petitioner within a period of 90 days from the date of receipt of the certified copy of this order.
7. The present writ petition thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge