

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2364 of 2014**

Siyasharan Sharma S/o Janki Prasad Sharma Aged About 65 Years
R/o Near Police Station, Thana And Tah Pakhanjore, Distt Uttar
Bastar Kanker, Chhattisgarh.

---- Petitioner**Versus**

1. The State of Chhattisgarh Through Secretary, Revenue and Disaster Management Department, Mantralaya, Naya Raipur, Distt. Raipur (CG).
2. Collector Distt Bastar At Jagdalpur, Chhattisgarh.
3. Joint Director, Kosh Lekha Evam Pension, Bastar Division, Distt Bastar At Jagdalpur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents/State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/05/2018**

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to release the retiral benefits to him along with interest.
2. The petitioner in the instant case retired from service of the respondents as Assistant Superintendent, Land Records on 31.04.2009. According to the petitioner, though he stood

superannuated in April, 2009, till date he has not received pension and retiral dues.

3. From the record it reflects that 3 years prior to the date of superannuation i.e. on 05.09.2006 a criminal case was registered against him vide criminal case no. 01/09 for the offence punishable under Sections 7, 13(1) and 13(2) of the Prevention of Corruption Act.
4. Counsel for the petitioner, at the outset, submits that the present writ petition may be disposed of in the light of the decision of this Court in WPS 352/14 decided on 27.11.2015 and WPS No.234 of 2013, decided on 26.04.2018, wherein this High Court had directed the respondents to consider the case of the petitioner for releasing 50% of the gratuity amount during pendency of the judicial proceeding against the petitioner and in respect of the leave encashment, it was ordered that the respondents authority should consider the case of the petitioner and pass a reasoned order.
5. So far as the entitlement and release of leave encashment is concerned, learned counsel appearing for the State submits that the petitioner has already been granted leave encashment, however interest on the said amount has not been granted.
6. If that be so, the authorities would only verify whether the amount of leave encashment has been released to the petitioner or not. Since the criminal case is pending against the petitioner, he is not entitled for interest on leave encashment amount. So far as the gratuity is concerned, applying the principle of law laid down by this court in the

case of Ramlal Sharma Vs. State of Chhattisgarh and others in WPS 352/14 dated 27.11.2015 as also WPS No.234 of 2013, it is directed that the respondents shall release 50% of the gratuity amount payable to the petitioner within a period of 3 months.

7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

inder