

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 614 of 2018**

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Engineer, Rural Engineering Services Development Commissioner Office Civil Lines Raipur Chhattisgarh.
3. The Deputy Director ( Finance ) Rural Engineering Services, Development Commissioner Office, Civil Lines Raipur Chhattisgarh.
4. The Director, Treasury, Accounts And Pension, Anand Nagar Raipur District Raipur Chhattisgarh.

**---- Appellant**

**Versus**

- Anil Kumar Verma S/o Shri Naresh Kumar Verma Aged About 62 Years Rjetired Executive Engineer Rural Engineering Services, R/o Behind Lafa Gas Godown Shubham Vihar, Mangla Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**

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| For Appellants/State | : Shri A.S.Kachhawaha, Addl. Advocate General |
| For Respondent       | : Shri Amrito Das, Advocate                   |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Hon'ble Smt. Justice Rajani Dubey**

**Order on Board by Manindra Mohan Shrivastava,J.**

**09/08/2018**

Heard on admission.

Upon due consideration, prayer for condonation of delay in filing the appeal is condoned.

Learned Additional Advocate General, assailing the correctness and validity of the order passed by the learned Single Judge submits that the FIR was lodged few days before passing of order in the writ petition, could

not be brought to the notice due to inadvertent mistake and the said fact was relevant to decide the question raised before the Court.

Even if we assume that few days before the order passed by the learned Single Judge, FIR was lodged, learned counsel for the State could not place before us any provision of law contained in the Pension Rules of 1976 or any other law for the time being in force, entitling the appellant to withhold the retiral dues. This legal position has been considered by the learned Single Judge in this order and also by the Division Bench in the W.A. No. 468/2018 wherein on 20.06.18, it was observed as below :

“It is not in dispute that the date of retirement of the writ petitioner was 31.10.2012. Th charge-sheet was filed before the Criminal Court ad 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.”

Therefore there is no substance in the appeal. Same is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)  
Judge

Sd/-

Rajani Dubey)  
Judge