

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.1722 of 2015

Subhash Chandra Malhotra, Aged 70 years, S/o Late Jagmohan Malhotra, Retired Assistant Engineer, O/o the Engineer-in-Chief, Water Resources Department, Chhattisgarh, Raipur, R/o Plot No.C/30, Bajaj Colony, Sector-2, New Rajendra Nagar, Raipur, District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Department of Panchayat & Rural Development, Mantralay, Mahanadi Bhawan, Naya Raipur.
2. State of Chhattisgarh, Through its Secretary, Department of Water Resources, Mantralay, Mahanadi Bhawan, Naya Raipur.
3. Engineer-in-Chief, Water Resources Department, Chhattisgarh, H.Q. Civil Lines, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Rajesh Kumar Kesharwani, Advocate.
 For Respondents/State: Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/01/2018

1. The petitioner superannuated from the office on 31-8-2005, but in view of pending departmental enquiry, the impugned order was passed directing that till the disposal of departmental enquiry as per Rule 64 of the Chhattisgarh Civil Services (Pension) Rules, 1976, gratuity cannot be paid.
2. Learned counsel for the petitioner submits that after passing of the impugned order, departmental proceeding has been concluded and order of recovery of ₹ 61,19,621/- has already been passed against the petitioner which has been challenged by the petitioner in W.P.(S) No.5560/2016 in which by interim order dated 17-1-2017, the order of

recovery has been stayed.

3. Learned State counsel would support the impugned order.
4. I have heard learned counsel for the parties.
5. Since departmental enquiry has already been concluded and order of recovery has been passed against the petitioner, and the order of recovery has already been stayed, there is no reason not to grant gratuity to the petitioner. In view of that, the impugned order is set aside. The matter is remitted back to the office of respondent No.3 for passing fresh order regarding grant of gratuity strictly in accordance with the Chhattisgarh Civil Services (Pension) Rules, 1976, within 30 days from the date of production of a copy of this order by the petitioner along with an application.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge