

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5699 of 2018**

Tirith Ram Rathore S/o Shri Daduram Aged About 70 Years Ex. Patwari Circle No. 9 Village Tendwa, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. The Accountant General The Office Of Accountant General (Nidhi-2) Fafadih Raipur, Civil and Revenue Distric Raipur, Chhattisgarh.
2. Collector (Land Revenue Branch) District Bilaspur, Chhattisgarh.

----Respondents

For Petitioner	:	Shri BK Chakraborty, Advocate
For Respondent No.1	:	Shri Raj Kumar Gupta, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/09/2018

1. The relief sought for by the petitioner is for a direction to the respondents to pass a suitable order treating the petitioner to be as if he was in service till the age of superannuation by virtue of judgment of acquittal which has been passed in his favour in Criminal Appeal No.77 of 1999, decided on 11.05.2018.
2. The facts of the case is that, the petitioner was working as Patwari with the respondents. Meanwhile, the petitioner was prosecuted for the offence punishable under Sections 161 IPC and Sections 5(1)(d) and 5(2) of the Prevention of Corruption Act. The petitioner was initially convicted in the said criminal case. He preferred an appeal before the High Court and the High Court finally vide its judgment dated 11.05.2018 in Criminal Appeal No.77 of 1999 has acquitted the petitioner from the charges which were levelled against him.

3. After the petitioner having been acquitted in the criminal case, the case of the petitioners' services having been terminated by the respondents would require reconsideration by the respondents, which, if not done till date. The respondents are directed to reconsider the case of the petitioner in the light of his acquittal from the High Court and in case if it is found that the dismissal/termination of the petitioner, if any, was bad in law, the petitioner would be entitled for all consequential benefits. The actual monetary benefits would be only to the extent of retiral dues payable to the petitioner. However, he would not be entitled for any monetary benefits for the period till he has attained the age of superannuation except that the said period for all practical purpose would be treated as period spent on duty.

Sd/-

(P. Sam Koshy)
Judge