

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7568 of 2018**

- Siyasharan Sharma, aged about 69 years, S/o Janki Prasad Sharma, R/o Near Police Station, Thana and Tahsil Pakhanjore, District U.B. Kanker

---- **Petitioner****Versus**

1. The State of Chhattigarh, through its Secretary Revenue and Disaster Management Department, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. Collector District Bastar, Jagdalpur (C.G.)
3. Joint Director, Kosh Lekha Evam Pension, Bastar Division, Jagdalpur (C.G.)

---- **Respondents**

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents/State	:	Shri Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.11.2018**

1. The present is the second round of litigation.
2. The facts of the present case is that the petitioner was working with the respondents as Assistant Superintendent, Land Records. The petitioner was prosecuted for a criminal case under the provisions of Prevention of Corruption Act and his prosecution was pending consideration before the Special Judge (P.C. Act) Kondagaon, District Kondagaon in Special Criminal Case No. 12/2013. The petitioner was superannuated from service on 30.04.2009.
3. Pursuant to his retirement on account of pendency of the criminal case, retiral dues payable to the petitioner, particularly gratuity amount were

not released. The petitioner moved a writ petition at the first instance vide W.P.(S) No. 2364 of 2014. The said writ petition came up for hearing on 01.05.2018 and this Court on the said date disposed of writ petition directing the authority to consider grant of 50% of gratuity amount. The department pursuant to the disposal of the writ petition ordered for releasing of the 50% of gratuity amount and paid the same on 31.07.2018.

4. The present writ petition has now been filed for a direction for releasing the balance of amount to the petitioner and also interest thereon. The prayer now is made on the basis of judgment passed in special criminal case by the Special Judge (P.C. Act) on 04.10.2017 where the petitioner has been acquitted in the said case. Though the judgment was passed on 04.10.2017, the counsel for the petitioner did not apprise the Court, even when the writ petition was disposed of on 01.05.2018. It appears that the petitioner himself has not intimated either the department or his counsel in this regard nor has approached the department for the release of his retiral dues which were kept pending on account of pendency of the criminal case.

5. Nonetheless, the petitioner since now by judgment dated 04.10.2017 in Special Criminal Case No. 12/2013 under the provisions of Prevention of Corruption Act has been acquitted the petitioner would be entitled for entire retiral dues which he is entitled for the same. It is made clear that merely for the reason the department has filed an appeal on the judgment of acquittal by itself could not be ground for not releasing the balance amount payable to the petitioner.

6. Given the fact, it is directed that the respondents shall forthwith consider the claim of the petitioner for releasing the balance of retiral dues

of the petitioner payable to him which till date has not been released. In case any payment have been made, the claim would also be adjusted. Let this exercise be done by the authorities concerned at the earliest preferably within a period of 90 days from the date of certified copy of this order.

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

**Sd/-
(P. Sam Koshy)
Judge**