

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4694 of 2019

Premnath Padhi S/o Shri Harihar @ Hemdhar Padhi Aged About 69 Years
Occupation - Retired Reader Assistant Grade - II, Tahsil Office - Tokapal,
District Bastar Chhattisgarh. R/o Dharampura No. 01, Near Apoorva
Building, Jagdalpur, District Bastar Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Revenue Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Collector Kondagaon, District Kondagaon Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For State	:	Ms. Smita Jha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/06/2019

1. The grievance of the petitioner in the present writ petition is that though he has crossed the age of superannuation on 31.08.2016, the retiral dues payable to the petitioner except for the GPF amount has been withheld by the Department.
2. According to the petitioner, he was placed under suspension between 26.03.2012 to 12.02.2014 on account of a criminal case registered against the petitioner under the provisions of the Prevention of Corruption Act, 1988. According to the petitioner, the said criminal case ultimately resulted into acquittal of the petitioner vide judgment dated 04.12.2017. Meanwhile, the order of suspension stood revoked on 12.02.2014 and the petitioner was permitted to resume his duties and he worked with the Department till his retirement i.e. on 31.08.2016. However, inspite of the judgment of acquittal in his favour, the retiral dues has not been released to the petitioner, like

Gratuity, Leave Encashment, Pension, Revised Pension, GIS and Family Welfare Fund etc.

3. Initially there appears to be a correspondence within the Department that the retiral dues were not released on account of the State Government having preferred an appeal against the judgment of acquittal dated 04.12.2017. Along with the present writ petition the petitioner has annexed the judgment dated 30.10.2018, whereby the appeal preferred by the State Government against the judgment of acquittal dated 04.12.2017 has already been dismissed, as such the judgment of acquittal has attained finality.
4. In the light of the judgment of acquittal attaining finality, this Court does not find any good reason why the State Government should not now release the entire retiral dues that are payable to the petitioner on his retirement w.e.f. 31.08.2016. The respondents accordingly are directed to take appropriate steps for release of the retiral dues at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
5. Needless to mention while deciding the same, the respondents would also decide as to how the period of suspension between 26.03.2012 to 12.02.2014 has to be treated particularly taking note of the judgment of acquittal that has been passed in favour of the petitioner.
6. With the aforesaid observations, the present writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge