

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4718 of 2019

Adhori Priyadarshi S/o Late Shri A. B.Sinha Aged About 64 Years
R/o Plot No. 3/ 36A, Nehru Nagar, (East), Bhilai District Durg
Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. The Director Directorate of Urban Administration and Development, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Municipal Corporation Bhilai Through Commissioner, Municipal Corporation Bhilai, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sudip Agrawal, Advocate.
For State	:	Shri Jitendra Pali, Dy.Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/06/2019

1. The relief sought for by the petitioner in this petition is for a direction to the respondents to firstly take a decision for regularizing the period of suspension i.e. between 10.12.1996 to 25.03.2003 during which time the petitioner was placed under suspension on account of his being involved in a criminal case. The second relief sought for by the petitioner is that, the petitioner has crossed the age of superannuation on 30.09.2016, but till date pension and pensionary benefits have not been finalized/settled, inasmuch as, the petitioner till date is only receiving provisional pension which too needs to be finalized and settled.
2. The counsel for the petitioner submits that a criminal case was initiated against the petitioner whereby he was prosecuted for the offence punishable under Section 13(1)(d) read with Section 13(2) of

the Prevention of Corruption Act. The trial court finally vide its judgment dated 17.11.2016 has granted an honourable acquittal to the petitioner and as such there is no further disqualification left for the petitioner from receiving full pension and pensionary benefits.

3. Perusal of record would show that the petitioner was placed under suspension on 10.12.1996. The order of suspension was revoked by the State authorities on 25.03.2003. While revoking the suspension order, there was a specific order passed by the State Govt. that so far as how the period of suspension has to be treated, a separate order would be passed after outcome of the criminal case pending against the petitioner. It appears that, inspite of the fact that the petitioner has been acquitted in the criminal case as early as on 17.11.2016, till date no specific order has been passed by the authorities as to how that period of suspension has to be treated. It is also reflected from the record that, though there is a judgment of acquittal in favour of the petitioner on 17.11.2016, the pensionary benefits payable to the petitioner on his superannuation has to be finalized in the light of the acquittal. The petitioner would thereby be entitled for full pension and other pensionary benefits which has till date not been released/settled in favour of the petitioner.

4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that the writ petition can be disposed of with a direction to the respondent No.1 to firstly take a decision in the light of their earlier decision dated 04.03.2003 determining as to how the period of suspension i.e. the period between 10.12.1996 to 25.03.2003 would be treated. Secondly, the respondent No.1 is also

directed to immediately take steps to grant full pension and other pensionary benefits which the petitioner would be entitled for in the light of the judgment of acquittal passed in his favour on 17.11.2016.

5. Expecting the respondent No.1 to take an early decision in this regard preferably within a period of 90 days from the date of receipt of copy of this order, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder