

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6064 OF 2019**

Nanku Singh S/o Late Shri Rajbali Singh Aged About 63 Years R/o Pushpak Nagar, Street No. 1, Ward No. 60, Junvani Road, Durg Police Station Mohan Nagar, Tahsil and District Durg Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Department Of Home, Secretariat, Mahanadi Bhawan, Atal Nagar, Raipur, Police Station And Post Rakhi, District Raipur Chhattisgarh.
2. Director General Of Police (DGP) Police Head Quarter Near Mahanadi Bhawan, Atal Nagar, Raipur, Police Station And Post Rakhi, District Raipur Chhattisgarh.
3. Inspector General Of Police (IGP) Office Of Inspector General Of Police 32, Bungalow, Bhilai District Durg Chhattisgarh.
4. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.) Durg, District Durg Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Abhishek Pandey and Ms. Aarti Manjhi, Advocates.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

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

14.08.2019

1. The grievance of the petitioner is that his retiral dues have till date not been finalized by the respondents.
2. The facts of the case is that, the petitioner was working as Assistant Sub Inspector under the respondents. He was subjected in criminal case under the provisions of Prevention of Corruption Act, 1988 (in short, PC Act). He was put to trial vide Special Criminal Case No.007/2015 for the offence punishable under Sections 7 and 13(1)(D) read with Section 13(2) of the PC Act. The petitioner immediately was placed under suspension on 03.06.2015. Pending the criminal case before the Special Judge, Durg, the services of the petitioner was put under compulsory retirement vide order dated 18.08.2017. Subsequently, the criminal case was finally decided vide judgment dated 18.06.2018 whereby the petitioner stood

acquitted from all the charges levelled against him. Subsequent to the judgment of acquittal, the respondents have now passed an order regularizing the period of suspension and have ordered that the petitioner would be entitled for only that he has received during the suspension period and in addition he would not be entitled for anything for the suspension period.

3. The grievance of the petitioner now is that, though he stands compulsory retired w.e.f. 18.08.2017, he has not been paid any of his gratuity, pension and other retiral dues that he is entitled for and it is almost two years now and therefore has filed the present writ petition.
4. Given the limited grievance that the petitioner has and that the criminal case having resulted in his acquittal and the petitioner having been put in compulsory retirement by the department themselves, the respondents are directed to take appropriate steps to ensure release of the retiral dues to the petitioner at the earliest preferably within a period of four months from the date of receipt of copy of this order.
5. Needless to mention that though the respondents have held that the petitioner would not be entitled for anything in excess of what he has already received during the suspension period, but the said period for all practical purposes has to be treated as continuous in service for the purpose of quantifying the retiral dues.
6. It shall be the responsibility of the petitioner to apprise the respondents so far as order passed by this court is concerned.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge