

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1560 of 2020

Shubh Narayan Pathak, S/o Late Narsingh Pathak, Aged About 62 Years
Executive Engineer (Retrd.), Gramin Yantriki Seva Mandal, R/o - Village
Devnandan Nagar, Phase 1, Sepat Road, Tahsil And District Bilaspur,
Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
- 2.** The Chief Engineer, Rural Engineering Services, Panchayat and Rural Development, Raipur, Chhattisgarh.
- 3.** The Superintending Engineer, Rural Engineering Services, Panchayat and Rural Development, Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sabyasachi Bhaduri, Advocate.
For State	:	Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.03.2020

- 1.** The grievance of the petitioner in the present writ petition is in respect of non releasing of the retiral dues payable to the petitioner.
- 2.** Perusal of pleadings of the writ petition would show that the retiral dues payable to the petitioner seems to have been not released on account of petitioner getting involved in a criminal case under the provisions of the Prevention of Corruption Act. Charge sheet has also been filed and the case is pending before the court hearing matters of Prevention of Corruption Act at Bilaspur.
- 3.** At this juncture it would be relevant to mention that the petitioner stands superannuated having crossed the age of superannuation and that before superannuation he was placed under suspension on account of his getting involved in a criminal case under Prevention of Corruption Act.

4. The question now which is relevant to be decided is whether the petitioner would not be entitled for the provisional pension and gratuity amount pending the final outcome of the criminal case registered against him.
5. This court itself in the recent past in case of Ramlal Sharma Vs. State of Chhattisgarh & Others, WPS No.352 of 2014, decided on 27.11.2015, has held that even if the person is facing trial under the Prevention of Corruption Act, that does not give right or power to the State Govt. for withholding the entire retiral dues payable to the petitioner and the court had ordered for release of the 50 percent of gratuity amount as well as provisional pension payable to the petitioner.
6. Taking into consideration the said judgment of this court in case of Ramlal Sharma (Supra), this court is of the opinion that ends of justice would meet if the writ petition as of now stands disposed of directing the respondents No.1&2 to take a decision so far as release of provisional pension and gratuity to the petitioner and any other retiral dues, if payable to the petitioner, under the service rules. The same be decided at the earliest preferably within a period of four months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge