

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2407 of 2021**

Rakesh Kumar Dubey S/o Ramji Dubey, Aged About 62 Years, R/o. Laal Maatwara, Block Kanker, District North Bastar Kanker (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Nava Raipur (Chhattisgarh)
2. Directorate Of Public Education Through Its Director, Indravati Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh)
3. Joint Director, Public Education, Bastar Division, Jagdalpur, District Bastar (Chhattisgarh)
4. District Education Officer Kanker, District North Bastar Kanker (Chhattisgarh)
5. Block Education Officer, Tribal Block Kanker, District North Bastar Kanker (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sanjay Patel on behalf of Mr. Shishir Dixit, Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.07.2021**

1. The limited prayer that the petitioner has made is for an appropriate direction to the respondents to consider releasing of the admissible dues which the petitioner is entitled for upon his dismissal from service

vide order dated 07.09.2016.

2. The facts of the case, in brief, are that the petitioner was working under the respondents as a Head Master. The petitioner got involved in a criminal case for the offence punishable under Sections 323, 328, 506 Part-II and 376(2)(i) of IPC. Initially on account of the arrest that the petitioner underwent he was placed under suspension on 23.09.2014. Subsequently, the trial resulted in the conviction of the petitioner on his being found guilty. On the basis of conviction the services of the petitioner were dismissed on 07.09.2016. The judgment of conviction is still under challenge before the High Court in Criminal Appeal No. 1092/2016. Meanwhile, the appellate Court has suspended the sentence part and the petitioner has been released on bail.
3. In due course of time, now the petitioner has also crossed the age of superannuation. Subsequently, the petitioner has represented before the respondents for releasing of the admissible dues that the petitioner would be entitled for even upon his dismissal. The representation which the petitioner has made is Annexure P-6 dated 03.02.2021. However, no decision upon the same has been taken.
4. Considering the limited relief that the petitioner seeks, the writ petition at this juncture stands disposed of directing the respondents to consider and decide the representation of the petitioner strictly in accordance with the rules governing the filed particularly considering the fact as to whether the petitioner is entitled for any payment in spite of being dismissed from service. In case the petitioner is entitled for any dues in accordance with the rules, the same be released to the petitioner at the earliest. Let the representation of the petitioner be

decided by a speaking order.

5. With the aforesaid observation the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai