

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5483 of 2021**

Sh. Libun Ekka S/o Shri Sh. Louis Ekka, Aged About 69 Years, R/o
Bhartiya Nagar, Near Ayappa Mandir, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Transport, Indrawati Bhawan, Mantralaya, Nawa Raipur, District Raipur, Chhattisgarh.
2. Commissioner Of Transport, Indravati Bhawan, Naya Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Aditya Agrawal, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.10.2021**

1. The claim of petitioner in the present writ petition is for the arrears of the difference of amount for the suspension period between 13.09.2007 to 17.08.2009 during which the petitioner was placed under suspension.
2. The petitioner was placed under suspension on account of his being involved in a criminal case under the provisions of the Prevention of Corruption Act and also under the provisions of IPC. The trial got concluded and the petitioner finally stood acquitted vide order dated 30.04.2018. Meanwhile, the petitioner had crossed the age of

superannuation on 30.11.2012. Pursuant to his retirement the petitioner was being paid the provisional pension of 90%. Subsequent to his acquittal from the Court below, the petitioner claimed for the difference of the salary for the period of suspension minus the subsistence allowance that he has already received. The petitioner has also claimed for the balance of 10% of pension which was not paid to him during the period he was being paid 90% by way of provisional pension. The petitioner has also claimed for release of the gratuity in the light of the judgment of acquittal. The petitioner has been approaching the respondent authorities repeatedly by making representations collectively marked as Anneuxre P-4.

3. Without expressing any opinion on the merits of the case, the writ petition at this juncture stands disposed of directing the respondents 1 & 2 to take an appropriate decision on the claim of petitioner for grant of the arrears of salary after adjusting the subsistence allowance during the period of suspension and also for grant of gratuity and for release of the unpaid 10% pension for the period during which the petitioner was being paid the provisional pension of 90%. Let an appropriate decision be taken by the respondent authorities keeping in view the provisions of Rule-54B of the Fundamental Rules and also the provisions of the Chhattisgarh Civil Services Pension Rules so far as releasing of gratuity is concerned. While taking a decision, the respondents shall take note of the fact that the petitioner stands acquitted of all the charges levelled against him vide judgment dated 30.04.2018 and that there was no departmental inquiry conducted against the petitioner in respect of the alleged conduct of the petitioner. Let an appropriate decision be taken at the earliest

preferably within a period of 90 days from the date of receipt of copy of this order.

4. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

Khatai