

(2024) 05 UK CK 0008

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 743 Of 2024

Chandra Mohan Bhatt

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 376(2)(n), 506

Citation : (2024) 05 UK CK 0008

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Rajendra Dobhal, Niranjana Bhatt, Vinay Kumar, Rajeev Singh Bisht, Pankaj Chaturvedi

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. The petitioner is aggrieved by the order dated 18.03.2024, whereby, the retiral dues of the petitioner has been withdrawn due to pendency of the Criminal Appeal No.350 of 2022 Chandra Mohan Bhatt Vs. State of Uttarakhand, before this Court.
3. It is the case of the petitioner that owing to a first information report, petitioner was placed under suspension, and, thereafter, on being granted bail by this Court, he was reinstated in service. But, subsequently, the trial, which was going on against the petitioner, resulted into his conviction under Sections 376(2)(n) and 506 IPC and a punishment of 10 years' rigorous imprisonment along with fine of Rs.1,00,000/-was imposed upon him.
4. The respondents-authority vide order dated 02.11.2022 again terminated the service of the petitioner w.e.f. date of his conviction i.e. 06.08.2022.
5. Petitioner challenged the order of conviction by filing the aforesaid Criminal

Appeal No.350 of 2022 and he was granted bail on 16.11.2022 by the Coordinate Bench of this Court. While granting bail to the petitioner, Coordinate Bench of this Court has been pleased to suspend the conviction and sentence.

6. The petitioner challenged the order of his termination dated 02.11.2022 by filing a writ petition No.278 of 2023 (S/S) Chandra Mohan Bhatt Vs. State of Uttarakhand and Others, which was allowed by the Coordinate Bench of this Court vide order dated 26.04.2023, by setting aside the impugned orders and the matter was remitted back to the Principal of the respondent-Institute to pass appropriate order afresh, in accordance with law, within a period of eight weeks' from the date of production of certified copy of this order i.e.26.04.2023.

7. After production of the order dated 26.04.2023 to the respondent-institute, the respondent -institute reinstated the petitioner back in service, but placed him under suspension vide order dated 11.08.2023. But, in between, the petitioner retired on superannuation on 31.03.2024.

8. Now, the controversy which falls for consideration before this Court is that the petitioner was denied all his retiral dues.

9. Learned counsel for the respondent Nos.2 & 3 submitted that it is wrong to say that all the retiral benefits were withheld. However, a sum of Rs.40,90,000/- was released in August, 2022 in favour of the petitioner towards GPF amount, while other payments have yet not been paid, but still under process.

10. It is further submitted by learned counsel for the respondent Nos.2 & 3 that on 24.04.2024, respondent Nos.2 & 3 received funds from the State Government and very shortly, the remaining amount will be paid to the petitioner.

11. On the above statement made by learned counsel for the respondent Nos.2 & 3 on instruction received from the Registrar, the writ petition is finally disposed of. The balance of the retiral dues of the petitioner shall be paid to him in accordance with the law, within a period of three months' from the date of production of certified copy of this order and the issue of provisional pension is kept open, however, the same may also be considered by the respondents.

12. Pending application(s), if any, stands disposed of accordingly.