

(2018) 05 CHH CK 0182
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 3770 Of 2018

Gendlal Guru

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467
Prevention Of Corruption Act, 1988 — Section 13(1)(d), 13(2)

Citation : (2018) 05 CHH CK 0182

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : P.R. Patankar, SP Kale

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. The petitioner who was a Revenue Inspector, now stands superannuated by virtue of crossing the age of superannuation on 30.06.2010.
2. The petitioner was implicated in criminal case which was registered as case No.01/2001 for the offence punishable under Sections 120- B IPC, 420, 467 IPC and Section 13(1)(d) read with Section 13(2) of PC Act. The matter was put to trial before the Special Judge, Durg, and the court ultimately vide judgment dated 18.07.2017 has acquitted the petitioner from the said charges. Meanwhile, the petitioner was also prosecuted in the departmental proceedings where also he has been exonerated of the charges.
3. Because of pendency of criminal case, the petitioner could not be taken back in service and now by efflux of time the petitioner has crossed the age of superannuation. Given the aforesaid facts and circumstances of the case, the only relief which the petitioner can be granted is of considering his case under the provisions of Fundamental Rules-54.

4. In view of the aforesaid facts circumstances of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending and this petition is disposed of with a direction to the respondent No.2 to consider the case of the petitioner keeping in view the provisions of Fundamental Rule-54. If for any reason the Collector is not competent authority then it shall be the responsibility of the Collector to mark the said file to the concerned competent authority to take a decision in the case.

5. Considering the age of the petitioner and also taking note of the fact that the petitioner has crossed the age of superannuation way back in the year, 2011, the respondent No.2 shall pass a suitable order within a maximum period of 90 days from the date of receipt of certified copy of this order.

6. Needless to mention that the respondents shall also consider grant of pensionary benefit payable to the petitioner.

7. The writ petition is accordingly disposed of.