
(2018) 05 CHH CK 0099
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 2364 of 2014

Siyasharan Sharma

APPELLANT

Vs

State Of Chhattisgarh And Ors.

RESPONDENT

Date of Decision : 01-05-2018

Acts Referred:

Prevention of Corruption Act, 1988 — Section 7, 13(1), 13(2)

Citation : (2018) 05 CHH CK 0099

Hon'ble Judges : P. SAM KOSHY, J

Bench : Single Bench

Advocate : Parag Kotecha, Lav Sharma

Final Decision : Disposed Of

Judgement

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to release the retiral benefits to him along with interest.
2. The petitioner in the instant case retired from service of the respondents as Assistant Superintendent, Land Records on 31.04.2009. According to the petitioner, though he stood superannuated in April, 2009, till date he has not received pension and retiral dues.
3. From the record it reflects that 3 years prior to the date of superannuation i.e. on 05.09.2006 a criminal case was registered against him vide criminal case no. 01/09 for the offence punishable under Sections 7, 13(1) and 13(2) of the Prevention of Corruption Act.
4. Counsel for the petitioner, at the outset, submits that the present writ petition may be disposed of in the light of the decision of this Court in WPS 352/14 decided on 27.11.2015 and WPS No.234 of 2013, decided on 26.04.2018, wherein this High Court had directed the respondents to consider the

case of the petitioner for releasing 50% of the gratuity amount during pendency of the judicial proceeding against the petitioner and in respect of the

leave encashment, it was ordered that the respondents authority should consider the case of the petitioner and pass a reasoned order.

5. So far as the entitlement and release of leave encashment is concerned, learned counsel appearing for the State submits that the petitioner has

already been granted leave encashment, however interest on the said amount has not been granted.

6. If that be so, the authorities would only verify whether the amount of leave encashment has been released to the petitioner or not. Since the criminal

case is pending against the petitioner, he is not entitled for interest on leave encashment amount. So far as the gratuity is concerned, applying the

principle of law laid down by this court in the case of Ramlal Sharma Vs. State of Chhattisgarh and others in WPS 352/14 dated 27.11.2015 as also

WPS No.234 of 2013, it is directed that the respondents shall release 50% of the gratuity amount payable to the petitioner within a period of 3 months.

7. With the aforesaid observation, the writ petition stands disposed of.