

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 7293 of 2023

Vijay Kumar Manjhi	...	...	Petitioner
	Versus		
The State of Jharkhand and others	...	...	Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mr. A.K. Das, Advocate Mr. Sahay Gaurav Piyush, Advocate
For the Respondents	: Mr. Sarvendra Kumar A.C. to S.C. (L&C)

03/13.02.2024

Learned counsel for the petitioner submits that the petitioner was scheduled to retire on 31.03.2023 and on 23.02.2023 the petitioner has been convicted for the offence under Section 304B/34 of the Indian Penal Code. The petitioner has filed appeal against the order of conviction and his sentence has been suspended but there is no order of stay of conviction.

2. Learned counsel for the petitioner has submitted that no show cause was issued to the petitioner prior to issuance of order of dismissal on just two days prior to his retirement. He has also submitted that since the allegation against the petitioner is totally unrelated to the performance of his official duty, therefore the petitioner is at least entitled for gratuity. The same cannot be denied to the petitioner.

3. Considering the fact that admittedly the petitioner has been convicted, this Court is not inclined to accept the argument of the petitioner with regard to non-issuance of show cause. However, the learned counsel for the petitioner has prayed that the matter may be placed tomorrow so that he can place the judgment so far as point of gratuity is concerned. The counsel for the petitioner has also submitted that these submissions are all subject to the result of the criminal appeal and the right of the petitioner be kept intact if the petitioner ultimately succeeds in the criminal appeal which is pending before this Court.

4. Post this case on 20.02.2024 under the same heading.

(Anubha Rawat Choudhary, J.)