

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 414 of 2016**

- Dukaluram Verma S/o Tilakram Verma, Aged About 63 Years R/o Village Gajmarra, Tahsil And Thana Dongargarh, District Rajnandgaon (Chhattisgarh).

---- Appellant/Petitioner**Versus**

1. Chhattisgarh State Electricity Board Through Chairman, Raipur (Chhattisgarh).
2. Superintendent Engineer, Chhattisgarh State Electricity Board, Rajnandgaon (Chhattisgarh).
3. Executive Engineer, Chhattisgarh State Electricity Board, Dongargarh, District Rajnandgaon (Chhattisgarh).

---- Respondents

For Appellant/Petitioner : Shri Avinash Chand Sahu, Advocate

**Hon'ble The Chief Justice &
Hon'ble Shri Justice Sanjay Agrawal**

Order On Board**21/11/2016****Per Deepak Gupta, C.J.**

As far as the I.A.No.01/2016, application for condonation of delay in filing the appeal, is concerned, the same is allowed and the delay in filing the appeal is condoned.

2. This appeal by the appellant/petitioner is directed against the order dated 28.03.2016 passed by the learned Single Judge of this Court dismissing the writ petition.

3. The appellant/petitioner was working as driver with the respondents. It was

alleged that while he was driving the vehicle in a drunken state he caused an accident resulting in injuries to another person. A criminal case, i.e., Crime No. 101 of 1997 was registered against him.

4. Simultaneously, departmental proceedings were initiated against him and in these departmental proceedings, the charge of drunken driving was held to be proved against the appellant and he was reduced to the rank of the cleaner. This order was passed on 27.02.2003, which was never challenged by the appellant. In the criminal proceedings, the accused (appellant) was acquitted of the charge. On what ground he was acquitted is not known because the judgment passed by the criminal court has not been placed on record. Therefore, the learned Single Judge was absolutely right in dismissing the writ petition because the petitioner kept silent and did not challenge the order passed in the departmental proceedings and merely because he has been acquitted of the charge by the criminal Court it cannot be said that the order passed in departmental proceedings is illegal that too without bringing the judgment/order passed in criminal proceedings by the criminal Court on record.

5. Therefore, we find no merit in this appeal, which is accordingly dismissed being devoid of merit.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge