

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3182 of 2016

Surendra Kumar Shadangi S/o Late Shri Chakradhar Shadangi,
Aged About 59 Years R/o 183/1 Maitrikunj Risali Bhilai, Distt. Durg,
(Chhattisgarh), Presently R/o Nayaganj, Kostapara Shitla Mandir,
Raigarh, Civil & Revenue District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Chhattisgarh State Warehousing Corporation, Mahanadi Bhavan, New Raipur, District Raipur, (Chhattisgarh)
2. President, Chhattisgarh State Warehousing Corporation, Head Quarter, Raipur, District Raipur, (Chhattisgarh)
3. Managing Director, Chhattisgarh State Warehousing Corporation, Mahanadi Bhavan, New Raipur, District Raipur, (Chhattisgarh)
4. Collector, Mahasamund, District Mahasamund, (Chhattisgarh)

...Respondents

For petitioner	:	Mr. Rajendra Tripathi, Advocate.
For State	:	Mr. S.P. Kale, Dy. A.G., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/07/2016

Heard on admission.

The petitioner has filed this petition aggrieved by non-consideration of his appeal/ representation for reinstatement in service consequent upon his acquittal from criminal charges.

2. Learned counsel for the petitioner submits that the petitioner was dismissed from service on proof of charges of misconduct in a departmental enquiry on allegations, which according to the petitioner are identical on allegations founded on facts which were made basis for his prosecution on the allegation of commission of offences which eventually resulted in his acquittal. Upon his acquittal, the petitioner preferred appeal/

representation to the competent authority of the Corporation for his reinstatement which has remained pending and undecided till date.

3. The appeal of the petitioner appears to have been founded on his acquittal though without challenging the findings in the departmental enquiry. However, the competent appellate authority may consider the effect and impact of petitioner's acquittal on punishment imposed on the petitioner in the departmental enquiry. Within a period of three months from the date of receipt of copy of this order, respondent No.2, who is the Appellate Authority shall decide the petitioner's appeal/representation on its own merit and in accordance with law.

4. It is made clear that this Court has not commented upon the merits of the case.

5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E