

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 500 of 2016**

Raja Babu Pandey S/o Shri K.K.Pandey, Aged about 48 years, R/o Bangali Chowk, In front of Home Guard Office, Ambikapur, P.S. Ambikapur, District Surguja, (Chhattisgarh)

---- Appellant**Versus**

1. State of Chhattisgarh Through its Secretary, Tribal Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector/District Mission Director, Rajeev Gandhi Shiksha Mission, Ambikapur, District Surguja, Chhattisgarh.
3. Assistant Executive Officer/Finance Office, Rajeev Gandhi Shiksha Mission, Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

For Appellant	: Shri Rajendra Kumar Patel, Advocate.
For Respondent/State	: Shri Arun Sao, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Order on Board**Per Deepak Gupta, Chief Justice****08/11/2016**

1. This appeal by the Writ Petitioner is directed against the judgment dated 01.08.2016 whereby the learned Single Judge has dismissed Writ Petition (S) No. 3293 of 2016 basically on the ground that since the Petitioner was appointed on contract for a period of one year, now he cannot be reinstated in service.
2. We are not in agreement with the learned counsel for the Appellant/Petitioner though for reasons different than those spelt out by the learned Single Judge in the judgment. From the documents placed on record by the Appellant/Petitioner, it is apparent that he was selected vide letter dated 03.06.1995 to hold the post of Lower Division Clerk on contractual basis for a period of one year. This period of one year was to come to an end in June, 1996. In the meantime, it appears that in 1995 itself, the Petitioner was found involved in

some financial irregularities. Therefore, his contract was not renewed after one year. Later on, in the year 1997, FIR was also lodged against the Petitioner and he was charged with having committed financial embezzlement and other criminal offence in which case he was acquitted in the year 2014. After acquittal, he prayed for reinstatement.

3. It is apparent that the services of the Petitioner were not terminated pursuant to criminal charges, but his contract was not extended because of financial irregularities committed by him. Therefore, these two aspects are different and since the contract has not been renewed after one year, the Petitioner had the right to challenge non-renewal of his contract in the year 1996 itself and now cannot rely upon his acquittal to challenge the order of non-renewal of the contract which expired almost two decades back.

4. In view of the above, the appeal is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
Judge