

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. No. 2492 of 2004**

Rajesh Kumar, S/o Manohar Singh, Jat Constable, C.I.S.F. No. 94140402499, P/R Village – Sukhrana, P.S. Panipat, Distt. Panipat [Haryana], Posted – CISF UNIT BSP Rajhara, Tah. & Distt. Durg (C.G.O)

---- Petitioner**Versus**

1. Union of India, Through :- Secretary, Ministry of Home Affairs, [Central Industrial Security Force] Govt. of India, New Delhi
2. Deputy Inspector General, Central Industrial Security Force, Unit – Bhilai Steel Plant, Bhilai Nagar, Tah. & Distt. Durg (C.G.)

---- Respondents

For Petitioner	: Shri V.G. Tamaskar, Advocate
For Respondents	: Shri Rajkumar Gupta, Standing Counsel for UOI

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/11/2017**

(1) Learned counsel appearing for the petitioner would submit that appellate authority has not considered the effect of acquittal of the petitioner in the criminal case for the offence under Sections 452, 323 & 294 of the Indian Penal Code and passed the order dated 22nd March, 2004 dismissing the appeal preferred by the petitioner and, therefore, he may be allowed to make an application before the appellate authority for redressal of his grievances.

(2) Per contra, counsel for the respondents would support the impugned order

(3) I have heard learned counsel appearing for the parties and also

considered their rival submissions made hereinabove and gone through the record with utmost circumspection.

(4) A careful perusal of the appellate order would show that the appellate authority has not considered the petitioner's acquittal of the aforesaid offences as the charges in the departmental enquiry and the criminal proceedings are one and the same.

(5) Be that as it may, the appellate authority is directed to consider the acquittal of the petitioner of the aforesaid offences and pass appropriate order in accordance with law expeditiously preferably within a period of three months from the date of receipt of certified copy of this order after hearing the parties.

(6) With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-