

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2036 of 2018**

Govind Deshmukh S/o Late S. L. Deshmukh, Aged About 29 Years
R/o Bijli Office Colony, Beejapur, District- Beejapur, Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh State Power Distribution Company Limited, An Enterprise Of Govt. Of Chhattisgarh. And A Successor Company Of CSEB, Through Its Managing Director, Daganiya, Raipur, Chhattisgarh, District Raipur, Chhattisgarh
2. The Executive Director (Ma. San). Chhattisgarh. State Power Distribution Company Limited, Raipur, Chhattisgarh.
3. The Superintending Engineer (Circle), Chhattisgarh State Of Power Distribution Company Limited, Kanker, Chhattisgarh.
4. The Executive Engineer, Sancha /Sandha. Division, Chhattisgarh State Power Distribution Company Limited Kondagaon, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Sandeep Shrivastava,
Advocate		
For Respondents	:	Mr. J.N. Nande, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/03/2018**

1. The relief sought for by the petitioner in this case is for a direction to the respondents to consider the case of the petitioner for reinstatement in service with consequential benefits.
2. According to the petitioner, the petitioner was working with the respondents as an Assistant Grade-III posted at the L.T. Billing Centre, Divisional Office, Kanker.
3. The petitioner was an accused in a criminal case i.e. Criminal Case No.116/2013 pending before the Court of Chief Judicial Magistrate, Kanker for the offence punishable under Sections 409, 420 and 34 of the Indian Penal Code. The said criminal case resulted in his

conviction by judgment dated 09.07.2013, whereby the trial Court had sentenced the petitioner for a period of 5 years with fine of Rs.5000/-. The said judgment of conviction was subjected to challenge in an appeal before the Sessions Court i.e. the Additional Sessions Judge, North Bastar, Kanker in Criminal Appeal No. 15/2013. The Appellate Court has vide the judgment dated 05.01.2017 set-aside the judgment of conviction and has acquitted the petitioner of all the charges which were leveled against him.

4. Meanwhile, by virtue of the order of conviction the respondent authorities had vide Annex.P/1 dated 20.03.2014 terminated the services of the petitioner only on the ground of being convicted in a criminal case.
5. Now that the order of conviction has been set-aside and the petitioner has been exonerated it has to be presumed as if the order of conviction was not in existence, as a matter of right, the case of the petitioner needs reconsideration. The petitioner in this regard has already made a representation to the higher authority i.e. the respondent No.4, but no action has been taken by the respondent till date.
6. This Court is of the opinion that no fruitful purpose would be served in keeping the petition pending, rather ends of justice would meet if the petition itself is disposed of with a direction to the respondent No.2 to consider the case of the petitioner in the light of the order of acquittal obtained by the petitioner. The petitioner would also be at liberty to move a fresh representation directly to the respondent No.2 within a period of 10 days from today and thereafter the respondent No.2 should within a further period of 45 days consider

the case of the petitioner and pass a suitable order keeping in light the subsequent developments.

7. The writ petition thus stands disposed off.

Sd/
(P. Sam Koshy)
Judge

Ved