

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2597 of 2018

Pyarelal Sagsultan S/o Samodhiram, aged about 64 years, R/o Bhatapara Mohalla, Gram-Boriyakala, Post Sejbahar, Mana Camp, District Raipur (C.G.).

---Petitioner

Versus

1. Dena Bank, Through its Managing Director, Head Office, Maker Towers (E) Cuffe Parade, Mumbai – 400005.
2. Regional Manager, Regional Office, First Floor, Zonal Market, Sector-10, Bhilai (C.G.).
3. Zonal Manager, Dena Bank, Indira Market, Station Road, Durg (C.G.).
4. Superintendent of Police, Balod (C.G.).

---Respondents

For petitioner : Shri Rakesh Dubey, Advocate.

For respondent : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board17/04/2018

1. In the present Writ Petition, the petitioner was appointed as a Peon with the respondents in the year 1979. Subsequently, on account of the petitioner getting involved in a criminal case, the services of the petitioner was terminated vide order dated 04/08/1989. The said order of termination was without conducting any enquiry nor was there any allegation of misconduct against the present petitioner. The criminal case which was registered against the petitioner finally resulted in the acquittal vide judgment dated 26/02/2015. Meanwhile, the petitioner had crossed the age of superannuation.

2. Pursuant to the judgment of acquittal, the petitioner has approached the respondents for treating the intervening period as spent on duty and for granting all consequential benefits which he had been entitled for had he not been terminated on 04/08/1989.
3. The counsel for the petitioner submits that, the petitioner has repeatedly approached the authorities with detailed representation in this regard the first being to the respondent No.3 on 02/07/2016 and again made a reminder on 08/08/201, but no decision has been taken by the competent authority on the said representations till date.
4. Given the aforesaid facts and circumstances of the case this Court is of the opinion that ends of justice would meet if a direction is given to the respondents No. 2 & 3 whoever is the competent authority to decide the representation of the petitioner in respect of treating the intervening period i.e. from the date of termination till the date of superannuation as period spent on duty in the light of the petitioner getting clear acquittal from the criminal case which was the basis of his termination.
5. Let an appropriate decision be taken by the concerned competent authority within a period of 90 days from today.
6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE