

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2515 of 2018

Santosh Kumar Singh S/o Sawailal Singh, aged about 53 years, working as Sub-Engineer, Irrigation Department, Hasdeo Kachhar, Bilaspur, R/o Tilkhan, Police Station Baikunthpur, District Rewa (M.P.), Presently R/o Shiyaram Goyal's House, Chhattisgarh, near Agrasen Bhawan, District Bilaspur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Water Resource Development (W.R.D.), Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur (C.G.).
2. Engineer-in-chief, Water Resource Development, Sihawa Bhawan, Raipur (C.G.).
3. Chief Engineer, Water Resource Development (W.R.D.), Hasdeo Kachhar, Bilaspur (C.G.).
4. Executive Engineer, Irrigation Division, Marwahi, District Bilaspur (C.G.).

---Respondents

For petitioner	:	Shri P.S.Baghel, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/03/2018

1. The challenge in the present Writ Petition is to the order of termination dated 27/02/2018. Vide the said impugned order, the services of the petitioner has been terminated.
2. The counsel for the petitioner assailing the impugned order on the ground that, a mercy appeal preferred by the petitioner to his excellency the Governor of the State is pending consideration and till the mercy appeal is

decided by his excellency the Governor, the petitioner may not be terminated from the employment.

3. This Court does not find any strong case made out by the counsel for the petitioner for the simple reason that, admittedly, the petitioner in the instant case was prosecuted for the offence punishable under Sections 279, 337 & 304-A of IPC and he was further convicted for the offence under Section 304-A of IPC vide order dated 09/12/2000 passed by the learned Judicial Magistrate First Class, Bywahari, Shahdol. The said order of conviction further has been affirmed in a criminal appeal vide judgment dated 20/06/2001 and also by the High Court of Madhya Pradesh in a revision decided on 23/10/2007.

4. These three judgments were further subjected to challenge before the Hon'ble Supreme Court in an S.L.P. preferred by the petitioner which also stood dismissed on 16/04/2008.

5. Given the aforesaid factual matrix of the case, the petitioner as on date stands convicted for offence under Section 304-A of IPC.

6. In view of the fact that the petitioner stands convicted, there would be the automatic disqualification for the petitioner to hold the post in Government employment.

7. Under the circumstances this Court does not find any merits in the present Writ Petition and the same therefore deserve to be and is accordingly dismissed.

8. Needless to mention that since the petitioner has preferred a mercy appeal to his excellency the Governor, in the event if there is setting aside of the order passed by the Governor, the petitioner would be at liberty to revive his claim.

9. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit