

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 463 of 2018**

(Arising out of order dated 03.04.2018 passed in W.P.(S) No. 2584 of 2012 by the learned Single Judge

- Chief Executive Officer Janpad Panchayat Podi Uproda, District Korba Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Block Education Officer, Podi, Uproda, District Korba, Chhattisgarh.
3. Rohit Chandra, Shiksha Karmi Class 3, Branch Officer, Shiksha Karmi Establishment Branch, Janpad Panchayat Podi Uproda, District Chhattisgarh.
4. Head Master, Primary School, Laingi, Block-Podi Uproda, District : Korba, Chhattisgarh
5. Gauri Shankar Naik, S/o Shri Murli Manohar Naik, Aged About 41 Years Shiksha Karmi Class-3, R/o Nawapara, Putkapuri, Thana And Tahsil Pussour, District Raigarh Chhattisgarh.

---- Respondents

For Appellant	:	Shri R.S. Baghel, Advocate.
For Respondents No.1 to 4:		Shri Yashwant Singh Thakur, Additional Advocates General.
For Respondent No.5	:	Shri U.N. Awasthi, Senior Advcoate assisted by Shri D.R. Patel, Advocate.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****03.05.2018**

1. We have heard the learned counsel for the Appellant and the learned senior counsel for the 5th Respondent who instituted the writ petition from which this appeal arises.
2. The Appellant is a Janpand Panchayat. On the strength of an order dated 07.02.2011, the writ petitioner was admitted to duty on 17.02.2011 in the

services of the Appellant/Janpad Panchayat. Thereafter, an FIR was lodged alleging offences punishable under Sections 420 and 467 of the IPC relating to certain allegedly fraudulent documents in connection with the employment that the Petitioner obtained in the service of the Appellant. That led to a criminal case which resulted in conviction of the writ petitioner. That conviction was set aside by the Appellate Court.

3. Going by the impugned judgment of the learned Single Judge, it appears that the order of acquittal by the Appellate Court was by giving the benefit of doubt to the accused. The learned Single Judge did not, therefore, order reinstatement of the writ petitioner merely on the ground that his conviction was set aside. The question, therefore, remains as to what would happen to the writ petitioner on the basis of the so-called appointment order dated 07.02.2011. The learned Single Judge directed the 3rd Respondent to conduct an enquiry in the manner detailed in paragraph 8 of the impugned judgment.
4. We have gone through those directions. It essentially insulates the Appellant/Janpad Panchayat from being forced to employ a person without conducting due enquiry on the allegations, which the Janpad Panchayat had levelled against the Petitioner touching the manner in which obtained an employment. It also provides an opportunity to the writ petitioner to purge himself of the allegation and enjoy the consequence either way.
5. We do not see any ground for the Janpad Panchayat which was the 3rd Respondent in the writ petition to sustain an appeal against the impugned judgment. This appeal, therefore, fails. The same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge