

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5586 OF 2018**

Karlus Tirkey S/o Polus Tirkey Aged About 61 Years Constable No. 198, Posted At Chhattisgarh Arms Force, 6th Battalion, Raigarh, Chhattisgarh, R/o Village Junai Kala, Bhagatoli, Police Station Kansabel, Distict-Jashpur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. Commandant 6th Battalion Chhattisgarh Arms Force, Raigarh, District-Raigarh, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Smt. Savita Tiwari, Advocate.
For Respondent-State	:	Shri RN Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29.08.2018**

1. It is a case where the petitioner working with the respondents as Constable was convicted in a criminal case for the offence under Sections 302,120-B and 201 IPC vide order dated 14.09.1998. The said order of conviction was set aside by the High Court in Criminal Appeal vide judgment dated 04.03.2014.
2. According to counsel for the petitioner, since the petitioner has already been acquitted from the charges, the respondents ought to have taken him back in service for which he had already made an application.
3. From the perusal of record it appears that the petitioner has made the application for the first time on 07.08.2018, however the counsel for the petitioner submits that he has been periodically visiting the respondents and making oral request and he was always assured by the authorities of taking a positive decision at the earliest and it is

only when this did not materialize he was forced to approach this court.

4. Given the facts, what is not disputed is the fact that the petitioners' service stood terminated on account of conviction in a criminal case. The said conviction of the petitioner stands set aside by the High Court vide judgment dated 04.03.2014. Pursuant to the judgment of acquittal, unless the said acquittal is set aside by any other superior court, the petitioner is liable to be taken back in service in accordance with the provisions of Fundamental Rules so also under the provisions of police regulations. However, there does not appear to be any formal order passed by the respondents in this regard.
5. Accordingly, let the petitioner again make a detailed representation to the respondent No.2 within a period of 15 days from today and in turn the respondents No.2 either personally or through the competent authority in the department get the representation of the petitioner processed and a final decision be taken at the earliest within a further period of 60 days.
6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge