

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5868 of 2018**

1. Santosh Kumar Kashyap S/o Motilal Kashyap Aged About 58 Years R/o Village Kaitha, Police Station Hasoud, Tahsil Jaijaipur District Janjgir Champa Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat Mantralaya Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh.
2. Collector (Panchayat Shakha) District Janjgir Champa Chhattisgarh.
3. Deputy Director, Panchayat District Janjgir Champa Chhattisgarh.

----Respondents

For Petitioner	:	Shri Avadhesh Mishra, Advocate
For State	:	Shri SP Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/09/2018**

1. The petitioner was appointed on the post of Panchayat Secretary of Gram Panchayat Kaitha, Janpad Panchayat, Jaijaipur, Distt. Janjgir Champa (CG).
2. While working on the said post, the petitioner got involved in a criminal case and an FIR was registered for the offence punishable under Sections 409,467,468,471 and 420/34 IPC vide crime No.117/2001 registered at Police Station Jaijaipur. The petitioner was taken into custody and remained in custody for about two months between 08.08.2001 to 05.10.2001. The matter was later on put to trial before the Judicial Magistrate First Class, Jaijaipur, vide case No.159/2007. The said criminal case ultimately resulted in an acquittal of the petitioner from all the charges vide judgment dated 30.12.2017.

3. After acquittal, the petitioner has been repeatedly approaching the authorities for being reinstated in service but till date the petitioner has not been permitted to join service.
4. The petitioner submits that Annexure P/5 is the document which has been written by the Chief Executive Officer, Jaipur to the respondent No.3 intimating him that the services of the petitioner has never been terminated.
5. Given the aforesaid facts even if it to be a case of termination of the petitioner by written order or termination of service by an oral order, after due acquittal of the petitioner, his status would have to be restored to the position as it stood prior to his being discontinued from service. Accordingly, let the respondents No.2&3 take a decision in respect of the same within a period of 60 days from today. They shall also decide how the intervening period has to be treated.
6. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge