

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7226 of 2018

Vinod Kumar Gupta S/o Late Shri Mohan Lal Gupta Aged About 52 Years The Then Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit Durg, Head Office G.E. Road, Near Government Hospital Durg, R/o House No. Gypsi 8 Ganpati Vihar, Borsi, Durg, District- Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Co-Operative Societies, Ministry At Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. The Registrar Co-Operative Societies Of Chhattisgarh Block B, 2nd And 3rd Floor, Departmental Office, Indravati Bhawan New Raipur, District- Raipur, Chhattisgarh.
3. Zila Sahakari Kendriya Bank Maryadit Durg Through Its Chairman, Durg, District- Durg, Chhattisgarh.
4. Santosh Kumar Nivsarkar Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit Durg, District- Chhattisgarh.

---Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate
For respective Respondent	:	Mr. Manish Upadhyay, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/10/2018

1. The grievance which the petitioner has raised in the present writ petition is that while working as a Chief Executive Officer under the respondent no.3-bank, the petitioner was implicated in a criminal case for the offence under Sections 7, 13(1)D, 13(2) of the Prevention of Corruption Act, 1988. On account of the petitioner getting implicated in the said case his services were removed vide order dated 23.08.2017 given in the order of termination w.e.f. 10.08.2017 i.e. the date of arrest of the petitioner.

2. The counsel for the petitioner submits that subsequently the Special Judge, Durg in Special Case No.4/2017 has acquitted the petitioner of the charges and that the petitioner since has been acquitted he was entitled to be reinstated in service.
3. The counsel for the petitioner also submits that his limited prayer now is that the petitioner since he was terminated prior to the conclusion of his contractual employment and the order of termination was only on the ground of his being implicated in a criminal case and therefore consequent to his acquittal, he is entitled for reinstatement and also for the consequential benefits of back-wages for the period he has been out of employment.
4. The counsel for the respondent No.3 on the contrary submits that it is a case where the petitioner's substantive appointment itself was contractual in nature and that his appointment order dated 02.04.2015 was for a period of 3 years subject to renewal that means beyond 01.04.2018, the petitioner does not have an indefeasible right in his favour for continuity in employment. He further submits that there are certain other recovery proceedings also initiated against the petitioner.
5. At this juncture, the counsel for the petitioner submits that the petitioner has already made a representation ventilating his grievances vide Annexure P/7 and the respondent No.3 may be directed to decide the said representation at the earliest.
6. The said relief is not opposed by the respondents.

7. Accordingly, the present writ petition stands disposed off with a direction to the respondent No.3 to decide the representation of the petitioner in accordance with law and while scrutinizing the claim of the petitioner, they shall keep in mind the judgment of acquittal which has been passed in favour of the petitioner.
8. Let necessary order be passed at the earliest preferably within a period of 60 days from the date of receipt of the certified copy of this order.

Sd/-
(P. Sam Koshy)
Judge

Ved