

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1750 of 2017

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Vishwanath Jha, S/o Ramakant Jha, R/o Vill- Alampur, P.S.- Vidayapati
Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The Food Corporation of India through its Senior Regional Manager having his Office at Arunachal Building, 3rd Floor, Exhibition Road, P.S.-Gandhi Maidan, Distt.-Patna.
2. The General Manager of Food Corporation of India at Arunachal Building, 3rd Floor, Exhibition Road, P.S.-Gandhi Maidan, Distt.-Patna.
3. Assistant General Manager, Food Corporation of India at Arunachal Building, 3rd Floor, Exhibition Road, P.S.-Gandhi Maidan, Distt.-Patna.
4. The District Manager, Food Corporation of India, Navratan Hata, Purnea, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Adv. Mr. Ajay Kumar, Adv.
For the F.C.I.	:	Mr. P.K. Verma, Sr. Adv. Dr. Mankeshwar Tiwari, Adv. Mr. Suman Kr. Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 09-05-2019

Pursuant to the conviction of the petitioner in
R.C. Case No. 22 of 1986 giving rise to Special Case No. 55
of 1986, holding the petitioner's guilty under Sections 120-



B, 409 and 477-A of the Indian Penal Code read with Sections 5(1)(C) and 5(1)(D) of the Prevention of Corruption Act, 1988, he was made to retire compulsorily by order dated 06.11.2001.

2. The petitioner was later acquitted in appeal and the judgment and order of conviction and sentence was set-aside by judgment dated 15.09.2015 passed in Cr. Appeal (SJ) No. 264 of 2001.

3. Mr. Awadhesh Kumar Mishra, the learned Advocate for the petitioner, has submitted that the order of compulsory retirement is solely based on the conviction of the petitioner. In that event, since no departmental proceeding was initiated and the basis of subjecting the petitioner to the punishment of compulsory retirement was because of his conviction in the criminal case, the petitioner deserves to be considered for reinstatement in service after setting-aside of the aforesaid judgment and order of conviction, even notionally.

4. The petitioner has since retired. However, other necessary benefits to which the petitioner would be



entitled, must accrue to him.

5. The petitioner, under the aforesaid circumstances, is directed to make a representation before the General Manager of Food Corporation of India (respondent No. 2), annexing a copy of this order as also the judgment and order passed in Cr. Appeal (SJ) No. 264 of 2001, reversing the judgment of conviction of the petitioner, within a period of four weeks from today, who, on receipt of the same, shall pass a reasoned order within a further period of eight weeks thereafter. If the petitioner's services are notionally restored, he shall not be paid salary for the period that he has not worked and has remained out of service. He will, in that case, however, be entitled to all other post-retiral benefits.

6. With the aforesaid observations/direction, the writ petition stands allowed and disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.05.2019
Transmission Date	N/A

