

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1877 OF 2019**

Smt. Mehrunnisha W/o Late F.U. Siddqui Aged About 64 Years R/o Village Ward No. 11, Near Anand Takies, Q.No. 146, Village Datiya Post Datiya, District - Datiya Madhya Pradesh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
2. Director General Of Police Police Head Quarter, Raipur Chhattisgarh.
3. Inspector General Of Police District - Durg Chhattisgarh.
4. Superintendent Of Police Durg, District - Durg Chhattisgarh.
5. Accountant General Vidhan Sabha Road, Raipur Chhattisgarh.
6. Treasury Officer Durg, District - Durg Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vivek Sharma, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.03.2019

1. The limited prayer which the petitioner has made in the present writ petition is for a direction to the respondents to decide the representations (Annexure P/1 & P/8) which have been filed by the petitioner.
2. The facts of the case is that, the Husband of the petitioner was working as a Sub Inspector under the respondents. He was involved in a criminal case under the provisions of Prevention of Corruption Act (in short, the PC Act). On 24.09.2001 the Husband of the petitioner stood convicted by the trial court. The conviction was subjected to challenge in a Criminal Appeal No.939 of 2001. Pending the Criminal Appeal before this court the Husband of the petitioner died on 22.08.2015. Subsequently the petitioner substituted herself in the Criminal Appeal and this court vide its judgment dated 16.11.2017 had acquitted the deceased employee from the charges

under the PC Act. The petitioner subsequently in the capacity of widow had moved representations to the respondents to consider the case of the petitioner so far as the termination of her Husband from service is concerned.

3. The contention of the petitioner was that the termination order would not be sustainable in the light of the judgment of acquittal dated 16.11.2017. The petitioner further submits that if the termination order is not sustainable, the deceased employee for all practical purposes have to be treated in employment till the date of death i.e. 22.08.2015 and consequential relief should have been released to the petitioner now.
4. Given the aforesaid factual matrix of the case, let the respondents No.2&3 take an appropriate decision on the petitioners representation (Annexure P/1&P/8) which is pending consideration before them at the earliest preferably within a period of four months from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge