

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4364 of 2011**

M.V.B. Raju, Assistant (Accounts), Shri Krishnam Raju, Aged about 48 years, Grade-III, W-5, Finance & Accounts Department, NTPC Ltd., Sipat Project at Ujjwal Nagar, Bilaspur, Chhattisgarh, R/o. Senior MIG-3, Phase-2, Rajkishore Nagar, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

NTPC Limited, Through: its General Manager, Sipat, Ujjwal Nagar, Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Sanjay Kumar, Advocate
For Respondent	:	Mr. B.D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/11/2019**

1. The challenge in the present writ petition is to the order of termination dated 02.06.2011 (Annexure P/16) passed by the respondent against the petitioner.
2. The petitioner was appointed under the respondents on the post of Assistant Accounts Grade-III. The petitioner obtained the appointment on the basis of alleged caste certificate, that the petitioner had dated 20.02.1998 issued by the District Magistrate/Collector, District Vijaynagaram, State of Andhra Pradesh as it then stood.
3. Subsequently, the Collector, District Vijaynagaram vide order dated 13.04.1992 on verification found that the caste certificate issued in favour of the petitioner was not proper, therefore the same was cancelled. The cancellation of the caste certificate was subjected to challenge before the Andhra Pradesh High Court vide WP No. 6844/1992, which got dismissed on 20.02.2003. The dismissal of the

writ petition was subjected to challenge in WA No. 211/2004, which too got dismissed vide order dated 25.02.2004. After the dismissal of the writ petition as well as the writ appeal, the respondent-employer issued a show cause notice to the petitioner on 13.05.2011 and thereafter the impugned order Annexure P/16 was passed on 02.06.2011.

4. The plain reading of the impugned order Annexure P/16 would reveal that the same has been passed pursuant to the dismissal of the writ petition and writ appeal preferred by the petitioner against the cancellation of the caste certificate. The natural consequence of dismissal of the writ petition and the writ appeal would mean that the order of the District Collector Vijaynagaram canceling the caste certificate stood upheld.
5. The subsequent development that has transpired is that the petitioner has preferred an appeal to the State of Andhra Pradesh under the provisions of Section 7(2) of the **A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993**. The said appeal was preferred before the State Government and the State Government vide order dated 04.04.2012 had stayed the effect and operation of the order of the District Collector Vijaynagaram dated 13.04.1992. According to the petitioner the appeal is still pending consideration before the State Government.
6. Given the facts that the petitioner's appeal is pending consideration before the State Government as long as the appeal of the State Government is pending consideration and the order dated 13.04.1992 passed by the District Collector, Vijaynagaram is not set-

aside by the higher authorities of the State Government, the order as it stands today particularly in the teeth of the dismissal of the writ petition on 20.02.2003 and the writ appeal on 25.02.2004 would sustain and in the light of the dismissal of the writ petition and the writ appeal the termination of services of the petitioner cannot be said to be bad in law or illegal in any manner.

7. However, in the event, if the appeal of the petitioner preferred before the State Government stands decided or allowed in favour of the petitioner and the order of the District Collector dated 13.04.1992 canceling his caste certificate is set-aside, the petitioner would have a right in his favour and the respondent would be required to reconsider the case of the petitioner, so far as the order of termination dated 02.06.2011 is concerned and would also consider the question of granting of reinstatement with consequential benefits to the petitioner.
8. Reserving the right of the petitioner to approach the respondent after the disposal of the appeal by the State Government, the present writ petition in its present form stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved