

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4565 of 2019

Shiv Dayal Dhruv S/o Late Shri Ramnarayan Dhruv, Aged About 61 Years
1/2 Month, Presently Posted And Working As Sub Engineer, Water
Resource Division, Balod, District Balod Chhattisgarh., District : Balod,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Engineer In Chief Water Resources Department, Indrawati Bhawan, North Block, Sector 19, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Engineer Mahanadi Godawari Kachar, Water Resources Department, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Sub Divisional Officer Karkhara, Mohandipath, Nahar Pariyojana, Sub Division 1, Sambalpur Chhattisgarh., Chhattisgarh

---Respondents

For Petitioner	:	Mr. B.D. Guru, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/06/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 08.05.2019, whereby the services of the petitioner has been dismissed invoking the provisions of Article 311(2)(a), whereby the petitioner has been dismissed without conducting a departmental enquiry.
2. Perusal of the impugned order would show that the petitioner was being prosecuted for an offence under Section 7, 13(1)(d), 13(2) of the P.C. Act, 1988 in Criminal Case No. 44/2009 before the 1st Additional Sessions Judge, Raipur. The petitioner has been convicted vide judgment dated 06.10.2016. Pursuant to the conviction of the petitioner in the aforesaid Criminal case,

the services of the petitioner stands dismissed invoking the provisions of Article 311(2)(a) of the Constitution of India vide impugned order. Undisputedly, the moment an employee/officer is convicted, more particularly for an offence under the provisions of the Prevention of Corruption Act, he automatically becomes dis-entitled or disqualified for government employment.

3. The prayer of the petitioner that atleast an opportunity of hearing should have been granted to the petitioner before issuance of the impugned order is concerned, is not sustainable for the reason that the fact that the petitioner has been convicted is not in dispute. The conviction has not been stayed by any higher Court and as now as the petitioner is a convict, he is not entitled to remain in government employment.
4. In view of the same, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order. However, the right of the petitioner would remain reserved for approaching the authorities concerned, immediately after the criminal appeal against the conviction, which the petitioner has preferred is decided in his favour.
5. With the aforesaid liberty, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved