

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 481 of 2013

Nawal Kishore Mishra S/o Lt Nageshwar Mishra Aged About 49 Years
R/o Subhash Nagar, Charcha Colliery, PS Charcha, Distt Koriya,
Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chief General Manager,
South Eastern Coalfield Ltd, Area Baikunthpur, PS Baikunthpur, Distt
Korea, Chhattisgarh.
2. President/managiang Director South Eastern Coalfield Ltd, Bilaspur,
Seepat Road, PS Sarkanda, Tehsil and Distt Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner:	: Shri Ashok Kumar Shukla
For Respondents:	: Shri Vinod Deshmukh.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

11.04.2019

1. By way of this petition, the petitioner is questioning the termination order dated 22.10.1997(Annexure P-5) passed by the Respondents authorities as the same has been passed without holding any Departmental Inquiry and/or without giving any show cause notice. It is pleaded in the petition that since the petitioner has been acquitted in connection with the charges framed under Section 420 of the Indian Penal Code by the Judicial Magistrate Class-I Baikunthpur, District Korea vide Judgment dated 05.11.2009 (Annexure P-1) passed in Criminal Case No. 55/2001, therefore, the alleged order of termination be treated as inoperative in the eyes of law.
2. At the outset, it appears from perusal of the record that the alleged termination order (Annexure P-5) was earlier questioned by the Petitioner

before this Court which was ultimately affirmed by the Division Bench of this Court vide order dated 01.04.2009 (Annexure P-8) in Writ Appeal No. 59 of 2007.

3. In view of the aforesaid facts and particularly, when the alleged termination order dated 22.10.1997 (Annexure P-5) has already been upheld by the Division Bench of this Court, I am not inclined to entertain this petition. The petition is, accordingly, dismissed in *limine*. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE

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