

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5479 of 2018

Sohan Das Mahant S/o Shri Thakur Singh Aged About 56 Years
Occupation-Ex- Panchayat Karmi, R/o Village Bandora, Police Station
Malkharoda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-
Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, New Mantralaya, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Executive Officer Zila Panchayat, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. The Deputy Director Panchayat And Social Welfare, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat- Malkharoda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. The Gram Panchayat Bandora, Through Its Sarpanch, Tahsil Malkharoda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	: Shri Avadhesh Mishra, Advocate.
For State	: Shri Chandresh Shrivastava, Dy. AG with Shri Arvind Dubey, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.07.2019

1. The relief sought for by the petitioner is for an appropriate direction to the respondents to consider and decide the representation of the petitioner dated 26.07.2016.
2. Facts of the case is that the petitioner was working as a Panchayat Secretary appointed in the year 1995. The petitioner got implicated in

a criminal case for offence punishable under Section 468, 471, 420 of the IPC. Initiation of the criminal case led to the dismissal of the service of the petitioner vide order dated 29.11.2006. Subsequently, in the criminal case which was initiated against the petitioner resulted in his acquittal, vide the judgment dated 29.04.2016 passed by the JMFC, Malkharoda, District Janjgir-Champa.

3. Contention of the petitioner is that since services of the petitioner was dismissed without any enquiry as is required to be conducted under the rules and the dismissal order passed was only on the ground of petitioner being implicated in a criminal case, the petitioner is entitled to be reinstated in service after the judgment of the acquittal that has been passed in his favour.
4. Given the aforesaid facts and circumstances of the case and also taking note of the fact that dismissal of the petitioner seems to be without an enquiry and dismissal seems to be only on account of petitioner being implicated in a criminal case. That since the petitioner now being acquitted from criminal case, the respondent No. 2 to 4 are directed to immediately take a decision on the representation of the petitioner which he has made claiming for reinstatement in the light of the acquittal.
5. Let respondent No. 2 to 4 take a decision on the representation of the petitioner within a period of 3 months. It shall be the duty of petitioner to apprise respondent No. 2 to 4 so far as the order passed by this Court is concerned.
6. This Court has not expressed any opinion so far as merits of the case is concerned. The respondents would be free to take a decision in

accordance with the rules and regulations governing the field.

7. With the aforesaid observation the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit