

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8253 of 2019

Shri Om Prakash Dwivedi S/o Shri Ramlal Dwivedi Aged About 31 Years R/o Village Mahena, Police Station Pamgarh, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Home And Police Affairs, Secretariat Mahanadi Bhawan, New Raipur, Police Station And Post Rakhi, District Raipur, Chhattisgarh.
2. Director General Of Police Police Head Quarter, Civil Line, Police Station Civil Line, District Raipur, Chhattisgarh.
3. Inspector General Of Police Raipur, District Raipur
4. The Superintendent Of Police (T/C) Raipur, District Raipur, Chhattisgarh.

--- Respondents

For petitioner- Shri Badruddin Khan, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/10/2019

Heard.

1. The case of the petitioner is that he was dismissed by an order dated 3/06/2014 (Annexure P-1). It is contended that the said order of dismissal from service was on the basis of conviction in a criminal case whereby the petitioner was awarded rigorous imprisonment for one year. It is stated that the petitioner subsequently have been acquitted from the criminal case in CRR No.355/2014 and no allegation was attributed to the petitioner, therefore the petitioner may be allowed to make a representation before the Superintendent of Police, Raipur so that his dismissal may be reconsidered.
2. Perusal of the termination order dated 3/06/2014 (Annexure P-1) would show that the petitioner was terminated without holding any departmental enquiry. It was based on the fact that the petitioner was

convicted in a criminal case and sentence awarded to him was for one year rigorous imprisonment. Perusal of annexure P-2 copy of the order passed in CRR No.355/2014 would reveal that this court by an order dated 15/07/2019 has set aside the order of conviction of the petitioner under section 225(A) of the IPC. The allegation against the petitioner was that on 25/10/2012 the petitioner who was discharging the job of a constable after attending the court of Railway Magistrate along with the accused Ajay Rai while was returning to the jail, Ajay Rai escaped from the police custody. This court by an order dated 15/07/2019 has held that the prosecution failed to prove enough evidence to prove the complicity of the accused in the crime beyond reasonable doubt. The order of termination since been passed on the basis of the conviction so made without holding any departmental enquiry, therefore prayer made by the petitioner appears to be reasonable. Under the facts, considering the prayer made by the petitioner, the petitioner is given liberty to make a representation to the Superintendent of Police with a copy of the order passed in CRR No.355/2014 to reconsider the dismissal order dated 3/06/2014. The said representation if so made within a period of two weeks from the date of receipt of copy of this order, the same may be adjudicated within a further period of 90 days.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE