

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2287 of 2020**

Rajesh Shukla, S/o Late Shri C.P. Shukla, Aged About 54 Years R/o In Front Of Kosa Point, Khaparganj, Marwadi Line, Tahsil Bilaspur, District Bilaspur, Chhattisgarh.

---- **Petitioner**

**Versus**

1. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, Head Quarter Seepat Road, Post Box No. 60, Bilaspur, District Bilaspur, Chhattisgarh.
2. Director (Personnel), South Eastern Coalfields Limited, Head Office Seepat Road, Post Office No. 60, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.
3. General Manager (Personnel / Administration), South Eastern Coalfields Limited, Head Office Seepat Road, Post Office No. 60, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh.

---- **Respondents**

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| For Petitioner | : | Mr. C.Jayant K. Rao, Advocate                                      |
| For State      | : | Mr. H.B.Agrawal, Sr. Advocate with<br>Mr. Pankaj Agrawal, Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board**

**19.06.2020**

Heard.

1. The petitioner contends that the petitioner was initially convicted alongwith other co-accused by the C.B.I. Court and consequent upon conviction, he was dismissed from the service on 02.05.2015, which was further affirmed in departmental appeal. It is contended that the petitioner and other co-accused preferred an appeal before this Court and this Court by an order dated 26.06.2019 passed a common order alongwith Tirthankar Basu, Gurmeet Singh, G.R.Jaiswal & Others whereby the petitioner was acquitted in the Criminal Appeal No.1022 of 2012. It is stated one Trithankar Basu who also preferred an appeal was an appellant in Criminal Appeal No.1032 of 2012 on such acquittal preferred a representation before the Coal India Limited wherein by an order dated 25.02.2020 (Annexure P-7) it was

observed that the representation of Trithankar Basu for his reinstatement in service deserves affirmative consideration as the conviction has been set aside in the appeal. Learned counsel for the petitioner further submits that the petitioner is also placed on the same footing and therefore his representation also requires to be considered in light of the order dated 25.02.2020 (Annexure P-7) decided in case of Trithankar Basu.

2. Learned senior counsel Mr. H.B.Agrawal assisted by Mr. Pankaj Agrawal appears for the respondents, however, was not able to dispute the acquittal.
3. Perusal of the document shows that the petitioner's Criminal Appeal No.1022 of 2012 was decided along with Criminal Appeal No.1032 of 2012 which was preferred by Trithankar Basu. Rajesh Shukla, the petitioner herein, also got acquittal like that of Trithankar Basu and Trithankar Basu's case has been considered by order dated 25.02.2020 (Annexure P-7) by the Coal India Limited for affirmative consideration for reinstatement. The petitioner who is also similarly placed deserves the similar treatment on the parity. Therefore, it is directed that the petitioner's representations which are filed as Annexure P-6 dated 04.07.2019, 02.03.2020 and lastly dated 15.05.2020 be considered in light of the order dated 25.02.2020 (Annexure P-7) which was decided in case of Trithankar Basu. The petitioner shall be further able to place this order alongwith copy of the order dated 25.02.2020 passed in case of Trithankar Basu to apprise the authorities predominantly before the respondent No.1. The respondent No.1, thereafter, shall decide the representation of the petitioner taking into fact the order passed in case of Trithankar Basu within a period of 90 days from the date of receipt of a copy of this order.
4. With the aforesaid observation, this writ petition stands finally disposed of.

Sd/-  
Goutam Bhaduri  
Judge