

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2759 of 2020**

- Gurmeet Singh Kainth S/o Sri Jagir Singh Kainth Aged About 63 Years R/o Opposite Mission Hospital, Burhar Road, Shadol, Post Office And District Shahdol (Mp), Pin 484001

---- Petitioner**Versus**

1. Coal India Ltd. Through Its Chairman-Cum-Managing Director, Coal Bhawan, Premise No. 04 Mar, Plot No. Af-III, New Town, Action Area -14, Rajarhat, Kolkata, West Bengal Pin - 700156
2. South Eastern Coalfield Ltd. Through Its Chairman-Cum-Managing Director, South Eastern Coalfields Ltd, Seepat Road, District Bilaspur, Chhattisgarh, Pin- 495006

---- Respondents

For Petitioner	:	Shri Gary Mukhopadhyay, Advocate
For Respondents	:	Shri K.K. Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****16/07/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner on account of conviction in a criminal case on 03.11.2012 by Special Judge, CBI Raipur was removed from service by the Respondents on 05.04.2013. Subsequently, the petitioner along with the other accused who were convicted preferred an appeal before this Court and this Court heard the criminal case analogously in CRA No. 1034 of 2012 and finally passed the

order on 26.06.2019, whereby the conviction was set aside. He further submits that since the petitioner was removed simpliciter on the basis of conviction and as the conviction has been set aside and one of the accused who was similarly removed has been reinstated, therefore, the petitioner is also entitled for the service benefit. He further submits that as in the meanwhile the petitioner stood retired, therefore, the petitioner at this stage prays that he may be allowed to make a representation to Respondents.

3. Taking into the consideration, the order passed in the similarly placed persons who were also removed along with the petitioner were reinstated after the conviction was set aside in the CRA No. 1034 of 2012 by the High Court, the petitioner is given liberty to file a representation within a period of 3 weeks before respondents No. 1 & 2. Thereafter, on such representation being filed, the respondents No. 1 & 2 shall decide the same. The said order shall be passed within a further period of 6 months from the date of receipt of the copy of the representation and if the other similarly placed employees were given the benefit under service the same may be also accorded to him on the ground of parity.
4. With the aforesaid observation, the petition stand disposed of.

Sd/-

Goutam Bhaduri
Judge