

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.2864 of 2011

Bisahu Ram Banjare, aged about 56 years, S/o Bhauram Banjare, R/o
Urla, District Raipur

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Revenue,
D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Inspector General, Panjiyan avam Adhichhak Mudrank, Raipur (C.G.)
3. Deputy Inspector General, Panjiyan avam Adhichhak Mudrank, Circle
Bilaspur, Bilaspur (C.G.)
4. District Registrar, Zila Panjiyak, Bilaspur (C.G.)
5. State of Madhya Pradesh, Through Secretary, Department of Revenue,
Vallabh Bhawan, Bhopal (M.P.)
6. Inspector General, Panjiyan avam Adhichhak Mudrank, Behind Old
Vidhansabha, Bhopal (C.G.)

---- Respondents

For Petitioner: Mrs. Renu Kochar, Advocate.

For Respondents No.1 to 4/State of Chhattisgarh: -
Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioner, at the relevant point of time, was working as Registration Clerk in the Office of the District Registrar, Bilaspur. He was prosecuted and convicted for the offence under Section 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') by the NDPS Court on 26-2-1992 and thereafter, the competent authority on the basis of conviction by criminal court, dismissed the petitioner from

service by order dated 29-10-1992, communicated vide memo dated 4-11-1992, but later-on, by order dated 27-10-2010, the petitioner was acquitted by this Court of the charge of offence under Section 20(b)(i) of the NDPS Act and on that basis, he claimed reinstatement before the Inspector General of Registration, Madhya Pradesh which was disposed of by order dated 24-1-2011 holding that since he has been posted in the office of the District Registrar, Bilaspur, the decision has to be taken by the Inspector General of Registration, Chhattisgarh which has been called in question in this writ petition.

3. Learned counsel for the petitioner submits that the petitioner at the relevant point of time was posted in the Office of the District Registrar, Bilaspur, which falls within the State of Chhattisgarh, therefore, the competent authority would be the Inspector General of Registration, Chhattisgarh and as such, the Inspector General of Registration, Chhattisgarh may be directed to decide the case of the petitioner and he be reinstated and be granted all pay and allowances, as the petitioner had already attained the age of superannuation.
4. Learned State counsel would submit that since the State of Chhattisgarh has been carved out with effect from 1-11-2000 and the petitioner was terminated by the Inspector General of Registration, Madhya Pradesh, therefore, the State of Chhattisgarh would not be liable. He would further submit that it is not the case of clean acquittal and therefore, the petitioner is not entitled for full pay and allowances.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
6. The petitioner was prosecuted for offence under Section 20(b)(i) of the NDPS Act and was convicted also on 26-2-1992 and thereafter, he was

terminated on 29-10-1992 by the criminal court, but ultimately, he was acquitted by this Court (High Court) on 27-10-2010 and he preferred an application to the State of Madhya Pradesh which has been remitted to the Inspector General of Registration, Chhattisgarh but no decision has been taken by the State of Chhattisgarh with regard to memo dated 24-1-2011. In that view of the matter, the matter is remitted to the Inspector General of Registration, Chhattisgarh to decide as to whether the petitioner is entitled for full pay & allowances in the light of Rule 54 of the Fundamental Rules and whether, the State of Chhattisgarh is the competent authority to reinstate the petitioner. On both these aspects, the Inspector General of Registration, Chhattisgarh shall decide the matter within two months from the date of receipt of a copy of this order by a reasoned and speaking order after hearing the petitioner. The petitioner is at liberty to make additional representation.

7. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge