

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2497 of 2021

1. Smt. Kalpana Wd/o Late Sheelbhadra Singh Satyarthi Aged About 55 Years R/o Near J.J. Hospital Torwa, Bilaspur Chhattisgarh.
2. Sourabh Singh Satyarthi S/o Late Sheelbhadra Singh Aged About 27 Years R/o Near J.J. Hospital Torwa, Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Forest, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Conservator of Forest Durg Circle, Durg Chhattisgarh.
3. Divisional Forest Officer Kawardha District Kabirdham.
4. State of Madhya Pradesh Through Secretary, Department of Forest, Vallabha Bhavan Bhopal (M.P.).

---Respondents

For Petitioners	:	Shri Vivek Sharma, Advocate.
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.06.2021

1. Aggrieved by the inaction on the part of the respondents in not deciding the representation initially moved by the deceased late Sheelbhadra Singh Satyarthi and also not deciding the representation moved by the present petitioners after death of the deceased employee, the present writ petition has been filed.
2. The facts of the case is that, the Husband of petitioner No.1 and the Father of petitioner No.2 was working as an Assistant Forest Conservator under the respondents. He was involved in a criminal case under the provisions of the Prevention of Corruption Act (in short, PC Act). The Special Court (PC Act), Rajnandgaon, found the employee guilty of the charges and and convicted him vide judgment dated 20.01.2003. The conviction of the employee was subjected to challenge by way of a Criminal Appeal vide Criminal Appeal No.138 of 2003. The said appeal stood allowed in favour of the appellant-employee and the judgment of

conviction dated 20.01.2003 was set aside/quashed and the employee was acquitted from the charges levelled against him.

3. Subsequent to his getting acquitted, the employee immediately approached the respondents State for recalling of the order of termination and restoring him back in service vide his representation dated 18.02.2020.
4. However, pending consideration of the representation the employee expired on 19.09.2020 in a road accident. Thereafter, the present petitioners i.e. widow and son of the deceased employee approached the respondents by way of a fresh representation dated 15.10.2020 (Annexure P/4) requesting the respondents to take appropriate decision in accordance with provisions of law at the earliest recalling the order of termination and for grant of consequential benefits that the widow and son would otherwise be entitled for in the light of acquittal in the criminal case. In spite of representation being pending for 8-9 months, there is no decision on those representations which has led to the filing of the present writ petition.
5. The State counsel submits that since the representations are still pending consideration, the writ petition be disposed of directing the respondents No.1,2&4 to take appropriate decision on the representation
6. The writ petition accordingly stands disposed of. The respondents No.1,2&4, as the case may be, are directed to take appropriate decision on the representation that the petitioners have made at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
7. It shall be the responsibility of the petitioners to apprise the respondent No.4 so far as order passed by this court is concerned. Upon intimation to

the respondent No.4, it is expected that they shall take a decision at the earliest in terms of the observations made in the preceding paragraph.

8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder