

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6824 of 2009**

- Shiv Kumar Pachori, S/o Late Shri S. L. Pachori, aged about 53 years, R/o Shahpur, Kureli, Tahsil Gadarwada, District Narsinghpur (M.P.)

----- Petitioner**Versus**

1. Chhattisgarh Rajya Van Vikas Nigam Ltd., Lokesh Plaza, Shankarnagar Road, Shankar Nagar, Raipur (C.G.) through its Managing Director
2. Managing Director, Chhattisgarh Rajya Van Vikas Nigam Ltd., Lokesh Plaza, Shankarnagar Road, Shankar Nagar, Raipur (C.G.)
3. Divisional Manager, C.G. Rajya Van Vikas Nigam Ltd., Antagarh Pariyojana Mandal Bhanupratappur, Chhattisgarh

----- Respondents

For Petitioner	Mr. Aman Pandey, Advocate
For Respondents	None, though served

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****10/08/2021**

1. Mr. Aman Pandey, learned counsel for the petitioner, would submit that on the allegation of involvement in the illegal cutting and transportation of trees, the

petitioner was terminated from the service vide order dated 05.05.1988 (Annexure-P/7) after regular departmental enquiry. On the same set of allegations, a criminal case was also registered against the petitioner for the offence punishable under Sections 120-B, 420, 467, 379 and 34 of IPC and was pending in the Court of Judicial Magistrate First Class, Narayanpur (C.G.), but subsequently on 04.09.2008, he has already been acquitted by the Criminal Court. Thereafter on 03.03.2009, the petitioner has made representation to the respondents authorities for reinstatement in service, but the same has been rejected by the impugned order (Annexure-P/1), which is absolutely unsustainable and bad in law, because once the petitioner has been acquitted by the Criminal Court, he ought to have been reinstated in service by the respondents.

2. None for the respondents, though served.
3. I have heard learned counsel for the petitioner, considered his submission made herein-above and went through the records with utmost circumspection.

4. The petitioner was proceeded departmentally by instituting departmental enquiry for the act of illegal cutting and transportation of the trees and thereafter was terminated from service by the respondents vide order dated 05.05.1988 (Annexure-P/7) under the Madhya Pradesh Van Vikas Nigam Karmachari Sewa Niyam, 1984. On the same set of allegations, a criminal case was also registered against the petitioner for the offence punishable under Sections 120-B, 420, 467, 379 and 34 of IPC and was pending in the Court of Judicial Magistrate First Class, Narayanpur (C.G.), but subsequently on 04.09.2008, he was acquitted by the Criminal Court. Thereafter, the petitioner made representation on 3.03.2009 to the respondents for reinstatement in service.
5. True it is that the petitioner was acquitted by the Criminal Court on 04.09.2008, the fact remains that the order of the Disciplinary Authority dated 05.05.1988 (Annexure-P/7) was not further challenged by way of filing appeal etc., as such the said order has become final, thus the respondents are justified in

rejecting the petitioner's representation for reinstatement in service holding that he has already been dismissed from service.

6. I do not find any merit in this writ petition. It fails and is hereby dismissed. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala