

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4739 of 2021

Bhagwat Prasad Yadav S/o Late Shri Ramdeen (Bhaila) Aged About 52 Years, Working As Junior Clerk, District Cooperative Central Bank, Branch Masturi, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh
2. District Cooperative Central Bank Maryadit Through Its Chief Executive Officer, District Cooperative Central Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur, Chhattisgarh
3. Chief Executive Officer, District Cooperative Central Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh
4. Staff Sub Committee Zila Shakari Kendriya Bank Maryadit, Near Nehru Chowk, Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Gary Mukhopadhyay, Advocate.
For State	:	Shri Amrit Das, Addl. Advocate General.
For Respondents 2 to 4	:	Shri Prafull Bharat, Sr. Advocate along with Shri Jitendra Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.09.2021

1. The present writ petition has been filed against the order dated 23.07.2021, whereby the representation of the petitioner has been rejected.
2. The representation of petitioner was claiming for promotion to the post of Assistant Accountant. The representation was made on the basis of a D.P.C. that was convened in the year 2017. In the said

D.P.C., the case of the petitioner was considered and kept in a sealed cover on account of the pending departmental enquiry. In the departmental enquiry however he has since been exonerated of all the charges leveled against him.

3. This led the petitioner to approach this Court vide WPS No. 1605/2021 and this Court disposed of the writ petition directing the respondents to consider the representation in the light of his being exonerated in the departmental enquiry. It is this representation which now stands rejected vide the impugned order dated 23.07.2021 which is under challenge in this petition. The rejection has been on the ground that the petitioner seems to be involved in a criminal case for the offences punishable under Sections 120B, 406, 408, 409, 420, 467, 468 and 471 of Indian Penal Code. Learned counsel for the petitioner however submits that the Police Station Masturi has since submitted its final report and the petitioner seems to have not been made an accused.
4. Learned counsel appearing for the respondents however submits that the petitioner was initially made an accused, but as of now the respondent-Bank does not know whether the petitioner has been discharged of the criminal case by the concerned Court or whether he has been named as an accused in the said criminal case or not.
5. That, on account of pendency of the criminal case the DPC convened for promotion did not consider the case of the petitioner.
6. Given the fact that the respondent-Bank do not have conclusive documentary proof of the petitioner having being discharged in the criminal case or has not been made an accused in the criminal case, the writ petition at this juncture stands disposed of permitting the petitioner to produce relevant documents in this regard before the

respondents 2 to 4 and the respondents 2 to 4 in turn shall consider those documents ascertaining whether the petitioner stands discharged in the said criminal case if at all he was an accused, and whether he still is an accused in the said criminal case or not. The respondents thereafter shall duly consider the case of the petitioner so far as his claim for promotion from the date his immediate juniors were considered or similarly placed persons were considered for promotion in the last DPC that was convened subject to the petitioner being found eligible for promotion under all other respects.

7. Subject to the petitioner producing necessary proof of his not being an accused and having been discharged in the criminal case if he was an accused, the respondents 2 to 4 shall take an appropriate decision on the claim of petitioner at the earliest preferably within a period of 60 days from the date the petitioner submits the proof along with his representation.
8. With the aforesaid observations, the present writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**