

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5327 of 2021**

Diwakar Prasad Gautam S/o Late Mahesh Prasad Gautam, Aged  
About 60 Years, R/o Q. No. B 1/141, Urjanagar Colony, Post Office  
S E C L Gevra, District Korba, Chhattisgarh

**---- Petitioner****Versus**

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Police Station Sarkanda, District Bilaspur, Chhattisgarh 495006
2. Chairman Cum Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Police Station Sarkanda, District Bilaspur, Chhattisgarh 495006
3. General Manager (P / A) South Eastern Coalfields Limited, Head Quarter, Seepat Road, Police Station Sarkanda, District Bilaspur, Chhattisgarh 495006
4. Chief General Manager, South Eastern Coalfields Limited, Gevra Area, District Korba, Chhattisgarh
5. Deputy General Manager, South Eastern Coalfields Limited, Gevra Project, Gevra Area, District Korba, Chhattisgarh

**---- Respondents**


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| For Petitioner  | : | Mr. Chandresh Shrivastava, Advocate |
| For Respondents | : | Mr. Sudhir Kumar Bajpai, Advocate   |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****04.10.2021**

1. The grievance of petitioner in the present writ petition is the inaction on the part of respondents in not reconsidering the order of termination dated 29.12.2006.

2. The facts of the case in brief are that the petitioner herein was working under the respondents as a Senior Overman when on account of conviction from the Special CBI Court the petitioner stood terminated from service on 29.12.2006. The basis of termination from service was the conviction by the Special CBI Court on 08.12.2006. Thereafter the petitioner preferred an appeal against the judgment of conviction before the High Court vide Criminal Appeal No. 889/2006 which finally stood allowed vide judgment dated 24.05.2021 and the the judgment of conviction was set aside and the petitioner was acquitted of the charges. Meanwhile, the petitioner is said to have crossed the age of superannuation on 20.04.2021. Thereafter, the petitioner made a representation to the respondent authorities vide Annexure P-1 to reconsider the order of termination in the light of the judgment of acquittal dated 24.05.2021. However, till date no decision has been taken by the respondents.
3. The contention of the counsel for petitioner is that the order of termination was solely based upon the judgment of conviction dated 08.12.2006. The department has not conducted any inquiry against the petitioner. Thus, the very basis of termination was the conviction which no longer exists as on date by virtue of the judgment of acquittal dated 24.05.2021. In the light of the judgment of acquittal having been passed by the High Court, the very basis upon which the petitioner's service was terminated no longer exists and therefore the order of termination needs to be reconsidered/recalled and the petitioner has to be given appropriate consequential benefits including post retiral benefits since he has now crossed the age of superannuation.

4. Given the aforesaid factual matrix of the case, the writ petition at this juncture stands disposed of directing the respondents 2 to 5 to take an appropriate decision on the claim of petitioner for reconsidering the order of termination dated 29.12.2006 in the light of the judgment of acquittal dated 24.05.2021 at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

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