IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 1816 of 2024

BETWEEN:-

PRAHLAD CHOURASIYA S/O SHRI RAMNATH CHOURASIYA, AGED ABOUT 68 YEARS, R/O RAMJI WARD MANDLA TEHSIL AND DISTRICT MANDLA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ANAND CHOURASIYA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY DEPARTMENT OF FOREST MANTRALAYA, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **THE MANAGING DIRECTOR, MADHYA PRADESH RAJYA VAN VIKAS NIGAM LIMITED PANCHANAN 5TH FLOOR MALVIYA NAGAR BHOPAL (MADHYA PRADESH)**

3. **DIVISION MANAGER, MADHYA PRADESH RAJYA VAN VIKAS NIGAM LIMITED MOHGAON PARIYOJNA MANDLA (MADHYA PRADESH)**

4. **THE REGIONAL MANAGER, MADHYA PRADESH RAJYA VAN VIKAS NIGAM LIMITED MOHGAON PARIYOJNA MANDLA (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI G.P. SINGH - GOVERNMENT ADVOCATE FOR RESPONDENT NO.1/STATE)

This petition coming on for admission this day, the court passed the following:

ORDER

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The present petition has been filed seeking the following reliefs :

> *7.1 That, this Hon'ble Court may kindly be pleased to issue a writ of Mandamus and direct the respondent no.-3 to pass a reasoned and speaking order as per the directions of order dated 04-07-1997 (Anx-P/4) passed by the Regional General Manager of Rajya Van Vikas Nigam.*
>
> *7.2 That, this Hon'ble Court may kindly be pleased to issue a writ of Mandamus and direct the respondent no.-3 to decide the pending representations of the petitioner by passing a reasoned and speaking order.*
>
> *7.3 That, this Hon'ble Court may kindly be pleased to issue a writ of Mandamus and direct the respondent no.-3 to decide the claim of petitioner in respect of salary of suspension period, salary till the age of superannuation, promotions, time pay scale, pension and other retiral dues as per law.*
>
> *7.4 That, any other writ direction order as may be deemed fit in the circumstance may also be awarded along with the cost of litigation.*

2. The case of the petitioner is that he was appointed on the post of Fieldsman vide order dated 18.12.1976 and joined his services on 02.01.1977. When the petitioner was posted at Devi Dadar Depot two pages of Transit Pass has been misplaced. The petitioner was placed under suspension vide order dated 06.03.1990. The respondent No.3 vide order dated 07.03.1990 sent a written complaint to the Superintendent of Police, Mandla for registration of criminal offence against the responsible persons. The FIR was registered against the petitioner and other co-accused. After completion of investigation, charge-sheet was filed and criminal case No.893/1991 was registered. During the pendency of criminal case the suspension of the petitioner was revoked vide order dated 28.12.1994. Thereafter, the petitioner was posted at Head Office vide order dated 23.01.1996. After completion of departmental enquiry, petitioner was dismissed from service and the suspension period of the petitioner was considered from 06.03.1990 to 27.12.1994. Being aggrieved by the order dated 19.11.1996 the petitioner preferred an appeal. The appeal filed

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by the petitioner was allowed vide order dated 04.07.1997. Vide order dated 22.12.2022 the petitioner was acquitted from the said criminal case. Thereafter, he preferred representations dated 06.09.2023 and 31.07.2023, but to no avail. An innocuous prayer is made to direct the respondent No.2 to consider and decide the pending representations.

3. Counsel appearing for the State has no objection to the limited prayer made by the counsel for the petitioner.

4. Considering the facts and circumstances of the case, the petition is disposed of directing the respondent No.2 to consider and decide the petitioner's pending representations (Annexure P/6) as expeditiously as possible from the date of receipt of certified copy of this order and communicate the outcome to the petitioner.

5. Needless to mention that this Court has not expressed any opinion on the merits of the case.

6. Accordingly, the petition is disposed of.

7. Certified copy as per rules.

(VISHAL MISHRA)
JUDGE

THK

Signature Not Verified
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