IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 196 of 2019

Shashi Kant Ojha, aged about 53 years, son of late Gaya Nath Ojha, resident of village- Murthan, P.O: Parmanandpur, P.S- Sonpur, District- Chapra (Bihar) **… … Petitioner**

Versus

1. The Union of India through Secretary, Ministry of Home Affairs, having its office at North Block, Cabinet Secretariat, Raisina Hill, New Delhi, P.O & P.S- New Delhi, Distt- New Delhi
2. The Director General, Central Industrial Security Force, having its office at CGO Complex, lodhi Road, New Delhi, P.O & P.S- New Delhi, Distt- New Delhi
3. The Inspector General, Central Industrial Security Force, having its office at H.E.C, Dhurwa, P.O & P.S-Dhurwa, Distt- Ranchi
4. The Deputy Inspector General, Central Industrial Security Force, having its office at H.E.C, Dhurwa, P.O & P.S-Dhurwa, Distt- Ranchi
5. The Commandant, Central Industrial Security Force, having its office at H.E.C, Dhurwa, P.O & P.S-Dhurwa, Distt- Ranchi

… … Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Ritesh Ranjan, Advocate
For the Respondents : Ms. Shivani Jaluka, AC to ASGI

13/**01.05.2026** Learned counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:

"a) For the issuance of an appropriate writ/writs, order/orders, direction/directions or writ in the nature of mandamus, directing the respondent authorities to reinstate the petitioner to the post of constable in C.I.S.F pursuant to the order of acquittal dated 28.3.2018 (Annexure 3) passed by the learned J.M, 1st class, Ranchi in criminal case no G.R 4491/2006, registered under section 409 IPC.

AND/OR

b) Further a direction may be given for the payment of the consequential benefits to the petitioner."

3. Learned counsel for the petitioner submits that the petitioner was subjected to departmental proceeding as well as criminal case arising out of the same incident and he was found guilty in departmental proceeding in December, 2006 and was terminated from

service vide order dated 25.07.2007. The appeal preferred against the order dated 25.07.2007 was also dismissed on 29.01.2009 and thereafter, revision application preferred by the petitioner was also dismissed vide order dated 13.05.2009.

4. The learned counsel for the petitioner further submits that the petitioner filed writ petition being W.P.(S) No. 846 of 2010 which was dismissed vide order dated 05.05.2010 upholding the order of dismissal and the LPA No. 101 of 2011 preferred by the petitioner against the order passed in the said writ petition, was also dismissed vide order dated 19.08.2011.

5. The learned counsel submits that thereafter the petitioner has been acquitted in the criminal case by Judicial Magistrate, 1st Class-cum-Addl. Munsif-XIII, Ranchi vide order dated 28.03.2018 in G.R. Case No. 4491 of 2006 as the prosecution failed to prove the charge under section 409 of Indian Penal Code against the accused beyond reasonable doubt and hence, the petitioner was held not guilty.

6. Learned counsel for the petitioner submits that thereafter the petitioner filed a representation dated 30th July, 2018 for consideration of his order of acquittal. He submits that once the petitioner has been acquitted in the criminal case, he is bound to be reinstated.

7. ***Learned counsel for the respondent- UOI*** has opposed the prayer and has submitted that the order of dismissal of the petitioner on merits in the departmental enquiry has attained finality up to the LPA court and the acquittal in the criminal case has no relevance.

8. She submits that otherwise also, the standard of proof in the criminal case is totally different from standard of proof in departmental proceedings. In criminal case, the prosecution has to establish the case beyond all reasonable doubt and departmental proceedings are conducted on the basis of principles of pre-ponderance of probabilities while appreciating the materials on record.

9. The learned counsel has also submitted that on the perusal of the order of acquittal in the criminal case, it is apparent that there are two reasons for acquittal;

first, the sanction for prosecution was not available and

second, the prosecution story was found to be doubtful as the prosecution could not prove the case against the accused beyond shadow of reasonable doubts.

10. The learned counsel for the respondent -UOI has referred to the counter-affidavit and has submitted that in the counter-affidavit, letter dated 29.10.2018 has been placed on record wherein the petitioner has been intimated that the representation dated 30.07.2018 submitted by the petitioner requires no action. She submits that this letter has not been disclosed by the petitioner in the writ petition which was filed on 08.01.2019 and no rejoinder to the counter-affidavit has been filed. The petitioner is also guilty of suppression of material facts before this Court.

11. The learned counsel for the respondent-UOI has also submitted that the request of the petitioner to reconsider his case on account of his acquittal has been rightly declined and the petitioner is not entitled to any relief as prayed for in this writ petition.

12. ***After hearing the learned counsels for the parties*** and considering the fact that the order of dismissal of the petitioner on the basis of departmental proceedings was contested by the petitioner on merits till LPA court and ultimately, this Court refused to interfere with the order of dismissal, the order has attained finality.

13. So far as the criminal case is concerned, the petitioner has been acquitted on the aforesaid two grounds, of want of sanction for prosecution and the prosecution having failed to prove their case beyond all reasonable doubts. The learned counsel for the respondent has rightly submitted that the acquittal in the criminal case has no bearing in the matter of disciplinary proceedings which was challenged on merits before this court and the order passed in the disciplinary proceedings based on materials produced before the disciplinary proceedings has attained finality up to the stage of L.P.A.

14. Considering the totality of facts and circumstances of this case, the petitioner is not entitled to any relief under article 226 of the constitution of India. Accordingly, this writ petition is dismissed.

15. Pending interlocutory application, if any, is dismissed as not pressed.

(Anubha Rawat Choudhary, J.)

Date of order: 01.05.2026
Pankaj
Date of uploading:08.05.2026