

(2018) 09 CHH CK 0045

Chhattisgarh High Court

Case No: Writ Petition (S) No. 5750 Of 2018

Vimal Kumar Singh

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 4, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 409, 420, 467, 468

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Surendra Dewangan, SP Kale

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The claim of the petitioner is for grant of back wages and consequential benefits for the intervening period i.e. the period of termination till the period of reinstatement.

2. The petitioner was involved in criminal case for the offence under Sections 420, 467, 468, 409 and 120-B IPC. Meanwhile, the services of the petitioner on account of charges of misappropriation of government fund was initially suspended and subsequently dismissed on 08.03.2000. The petitioner preferred WP No.1033 of 2003 challenging the dismissal order. This High Court vide order dated 19.01.2007 set aside the order of dismissal and ordered for reinstatement. The petitioner was thereafter reinstated in service immediately and since then he is discharging his duties uninterruptedly. Meanwhile, criminal case also stood finally adjudicated vide judgment dated 31.05.2014 by the Judicial Magistrate First Class,

Jagdalpur acquitting the petitioner of all the charges.

3. The petitioner now in the light of the acquittal order has claimed for the back wages for the intervening period.

4. Perusal of records would show that the High Court while deciding the writ petition No.1033 of 2003 in its order dated 19.01.2007 had allowed the writ petition and had refused to grant back wages to the petitioner as is evident from paragraph 20 of the said order dated 19.01.2007.

5. The fact that earlier this High Court had already refused grant of back wages for the intervening period, this court in a subsequent writ petition would find it difficult to grant the benefit of back wages inspite of the fact that the petitioner subsequently has been acquitted from the criminal case.

True it is after acquittal in the criminal case the authorities concerned have to pass a suitable order under the provisions of Fundamental Rules so far as how the intervening period has to be treated.

6. Reserving the right for the petitioner to claim appropriate relief in that regard from the respondents, the present writ petition in its present form claiming back wages may not be sustainable in the light of the decision of the High Court dated 19.01.2007 passed in WP No.1033 of 2003.

7. Accordingly, the writ petition stands disposed of.