

(2024) 02 JH CK 0046
Jharkhand High Court
Case No: Writ Petition (S) No. 243 Of 2019

Dev Sidh Singh

APPELLANT

Vs

Jharkhand Vidyut Nigam Limited,
Through Its
Chairman-Cum-Managing
Director & Ors

RESPONDENT

Date of Decision: Feb. 12, 2024

Hon'ble Judges: Rajesh Kumar, J

Bench: Single Bench

Advocate: P. C. Roy, A. K. Yadav

Judgement

Rajesh Shankar, J

1. Reference may be made to the order dated 21st December, 2023, which reads as under:-

“Mr. Prakash Chandra Roy, learned counsel appearing on behalf of the petitioner argues that the charges in the departmental proceedings were based on criminal proceeding. Since petitioner has already been acquitted in the criminal proceeding, he should be reinstated in the service.

Mr. Ashok Kumar Yadav, learned counsel representing JUVNL argues that the charges in the criminal proceeding and departmental proceeding are entirely different and as such merely because petitioner has been acquitted in the criminal case, he cannot claim reinstatement. Departmental proceeding is based on preponderance of probabilities whereas in the criminal case, the same is not considered.

Petitioner is directed to bring on record the chargesheet in the departmental proceeding and the final order along with the enquiry report. The respondents may also bring on record the entire proceeding of the criminal case as well as the departmental proceeding.

As prayed, put up this case after four weeks.”

2. Learned counsel for the petitioner submits that today itself he has received the copies of the charge sheet and final order as well as enquiry report relating to the departmental proceeding.

3. Learned counsel appearing on behalf of the respondents submits that the counter affidavit in terms with the order dated 21st December, 2023 has been drafted and the same is ready to be filed and for that purpose he prays for an adjournment.

4. Considering the said prayer, put up this case under the same heading on 2nd April, 2024.