



**IN THE HONOURABLE CHHATTISGARH HIGH COURT
OF JUDICATURE AT BILASPUR**

WRIT PETITION No. 915 / 2001.

PETITIONER: ✓ Kartar Singh Kshatri S/o Shri Lakhan singh
Kshatri, aged about 39 years, SADA Colony,
Korba, Tah & Dist: Korba, Chhattisgarh.

Versus

RESPONDENTS: 01. Municipal Corporation Korba, through it's
Commissioner, Saket Bhawan, Rampur, I.T.I.
Chowk, Korba, Chhattisgarh.

Writ Petition under article 226 of the constitution of India.

आदेश पत्रक

W.P. 915

सन् 2001

Kartar Singh Kshatri विरुद्ध Municipal Corporation Korba

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>31/05/2001 :-</p> <p>Shri Rajkamal Singh, learned counsel for the petitioner</p> <p>Shri Sanjay K. Agrawal, learned counsel for the respondent</p> <p>Parties are heard.</p> <p>The petitioner's grievance is that the order of termination issued on 18/05/2001. (Annexure-P/1) is bad because even after issuance of show-cause notice to the petitioner, no enquiry was made and on the basis of the conviction of the petitioner recorded by the Special Judge, Raipur in Special Criminal Case No.62 of 1991 dated 31/03/1999 the petitioner was terminated.</p> <p>Shri Rajkamal Singh, learned counsel for the petitioner submits that as show cause notice was issued, an enquiry was a must and the show cause notice ought to have been taken to its logical ^{end} effect and as no enquiry was</p>	<p>P. R</p> <p>Petitioner Present with ... by Shri ...</p> <p>I. A. No. ... presented by ... for the ... before Judge for order.</p> <p>31/5/2001</p>

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>conducted into the alleged misconduct the order passed by the authorities is bad.</p> <p>On the other hand, Shri Sanjay K. Agrawal, learned counsel for the respondent, submits that in view of the conviction of the petitioner and the fact that in Criminal Appeal No.964/99 the effect of the conviction has not been suspended the respondent was justified in terminating the services of the petitioner.</p> <p>After hearing the learned counsel for the parties I am of the opinion that in view of the conviction of the petitioner for offences punishable under Section 161 I.P.C. and Sections 5 (1)(d) and 5 (2) of the Prevention of Corruption Act, 1957 the respondent was justified in terminating the petitioner because no further enquiry into the conduct of the petitioner was required to be made after a complete trial. It is, however, made clear that after acquittal of the petitioner, he shall always be free to approach the authorities for re-consideration of Annexure-P/1 and the respondent shall be free to either take back the petitioner into services or proceed with the departmental enquiry.</p> <p>I find no reason to interfere. The petition is dismissed.</p>	<div data-bbox="974 1908 1347 2123" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Sd/- R.S. Garg Judge</p> </div>

CS-16-1