

(2024) 07 JH CK 0021
In the Jharkhand High Court
Case No : LPA No. 243 Of 2024

Digambar Prasad

APPELLANT

Vs

Mahto Jharkhand Urja Vikas Nigam Limited

RESPONDENT

Date of Decision : 01-07-2024

Acts Referred:

Citation : (2024) 07 JH CK 0021

Hon'ble Judges : Shree Chandrashekhar, J; Navneet Kumar, J

Bench : Division Bench

Advocate : Dhananjay Kumar Pathak, Sachin Kumar

Final Decision : Dismissed

Judgement

Shree Chandrashekhar, A.C.J.

1. This Letters Patent Appeal seeks to challenge the decision dated 12th October 2023 of the writ Court passed in W.P(S) No.3688 of 2019 not to interfere with the order of removal of the appellant from service.

2. The writ Court observed as under:

"5. From perusal of the averments made in the writ petition as well as in the counter affidavit and the documents brought on record, it appears that admittedly the petitioner was appointed on contract basis. As per agreement, his contract has been terminated in view of alleged misconduct. The contention of learned counsel for the petitioner that since the petitioner has been acquitted in the criminal case, he should be reinstated in service is not acceptable to this Court. Merely because the petitioner was acquitted in the criminal case right has not accrued to him to get the reinstatement. A contractual employee has no right vested with him to continue on the post, even though he has violated the terms and conditions of the agreement. Hence, no interference is warranted in the writ petition.

6. The writ petition merits dismissalal and the same is hereby dismissed."

3. The only plea raised on behalf of the appellant is that on his acquittal by virtue of a judgment in Special ACB Case No.12 of 2012 the stigma attached to him would be wiped out and he shall be entitled for reinstatement under the Jharkhand Urja Vikash Nigam Limited.

4. The appellant was involved in a case touching upon moral turpitude of accepting bribe with co-employee Durga Saw and in that connection Sadar Ranchi Vigilance PS Case No.12 of 2012 was lodged. The judgment in Special ACB Case No.12 of 2012 was rendered in a peculiar circumstance where the complainant and the Investigating Officer did not come in the dock to depose. Now a question arises whether the writ Court could have issued a direction to the employer to keep a person who was Trainee Junior Engineer to renew the contract and keep him in employment. The answer seems to be a clear "no".

5. Therefore, we do not find any error in the order dated 12th October 2023 by which W.P(S) No.3688 of 2019 was dismissed and, accordingly, L.P.A No.243 of 2024 is dismissed.