
(2019) 03 CHH CK 0263
In the Chhattisgarh High Court
Case No : WRIT PETITION (S) NO. 2267 Of 2019

Prakash Shrivastava	Vs	APPELLANT
State Of Chhattisgarh And Ors		RESPONDENT

Date of Decision : 29-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 294, 323, 376

Citation : (2019) 03 CHH CK 0263

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : C Jayant K Rao, Sameer Behar

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. Challenge in this petition is to the termination of the contractual appointment of the petitioner vide order dated 04.07.2018 passed by the Collector, South Bastar Dantewada.
2. Learned counsel for the petitioner submits that the termination was on account of petitioner being involved in a criminal case for the offence punishable under Sections 376, 294 and 323 IPC. The petitioner now has been acquitted from the said criminal case vide judgment dated 07.03.2019 from the court of Additional Sessions Judge, Kondagaon, in Sessions Case No.63 of 2018. The petitioner has now filed this petition for an appropriate direction to the respondent No.3 to reconsider engagement of the petitioner as contractual employee.
3. What primarily is to be taken note of is that the petitioner was substantially engaged as contractual employee. The contract appointment of the petitioner itself had certain conditions stipulated therein. The petitioner cannot have a right beyond those conditions which are envisaged therein.

The Collector, if had terminated the services of the petitioner on the ground of being involved in the criminal case, also has a right to reconsider the claim of the petitioner, if any, made in the light of the judgment of acquittal passed in his favour.

4. Therefore, without expressing any opinion on the entitlement of the petitioner, the petitioner is granted liberty to approach the respondent No.3 for reconsidering the order of termination that was passed against the petitioner. If such representation is made, the Collector would be at liberty to take a decision at the earliest in accordance with rules and regulations governing the field.

5. The writ petition accordingly stands disposed of.