

(2026) 01 JH CK 1883

In the Jharkhand High Court

Case No : Writ Petition (S) No.5787 Of 2022

Rohit Jha, Son Of Late Ravi Shankar Jha

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 20-01-2026

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 407, 409, 465, 467, 468, 471
Prevention of Corruption Act, 1988 — Section 13(1)(c), 13(1)(d), 13(2)

Citation : (2026) 01 JH CK 1883

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Anil Kumar Ganjhu, Suresh Kumar, Ashish Kr. Shekhar, Rajesh Lala

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

1. Now the son of original petitioner is pursuing this writ petition, as his father i.e. the original petitioner expired during pendency of this writ petition. He has been substituted vide order dated 07.05.2024 passed in I.A. No.2231 of 2024.

2. In this writ petition, the original petitioner had challenged the Dismissal Order as contained in Letter bearing Ref. No.SA/AWS/TPTN/2016/191 dated 22.12.2016 (Annexure-7 to the writ petition), whereby the original writ petitioner namely Late Ravi Shankar Jha, was dismissed from service and the Gratuity amount was fully forfeited.

2.1. The original petitioner had also challenged the Letter bearing Ref. No.GM:SA:PD:IR:F-29:2022:2889-91 dated 25.08.2022 (Annexure-14 to the writ petition), whereby it had been informed to the original petitioner that he is not entitled to get the benefits of the Medical Card under CPRMSE Scheme, since there is no provision of extending the benefit of the said Scheme to a dismissed employee.

2.2. Further, the original petitioner had also challenged the Reasoned Order dated 11.10.2022 (Annexure-15 to the writ petition), whereby all the aforesaid claims of the original petitioner including payment of leave encashment were rejected.

3. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

4. From the arguments of the parties, I find that admittedly the original petitioner was an employee of Bharat Coking Coal Limited (BCCL), a Subsidiary of the Central Coalfields Limited (CCL).

4.1. The original petitioner was involved in a criminal case at the instance of Central Bureau of Investigation (CBI), being R.C. Case No.14(A)/1995-D. The said case was registered under Sections 407, 467, 468, 471 IPC read with Sections 465, 409, 120(B) IPC and Sections 13(2) read with Section 13(1) (c) and (d) of the Prevention of Corruption Act. He was put on trial. He was convicted vide judgment of conviction and order of sentence dated 09.10.2015. The conviction was for a period of three years along with fine of Rs.1,00,000/-.

4.2. As a result of the aforesaid conviction, in terms of Clause 26.1.19 of the Certified Standing Order of the Company, the original petitioner was dismissed from service after following the procedure of law i.e. enquiry etc. Be it noted that as per Clause-26.1.19 of the Certified Standing Order, an employee who has been convicted by a Court of Law for any criminal offence involving moral turpitude, is liable to be dismissed from service.

5. The Dismissal Order dated 22.12.2016, by which the original petitioner was dismissed from service, is under challenge.

6. The charge-sheet has been brought to the notice of this Court. The only charge against the original petitioner is that he had been convicted in the aforesaid criminal case.

7. Since the original petitioner was convicted in a criminal case, he preferred an Appeal before this Court which was numbered as Criminal Appeal (S.J.) No.957 of 2015 (Ravi Shankar Jha Vs. The State of Jharkhand through C.B.I.). Vide judgment dated 01.12.2020, a Coordinate Bench of this Court allowed the Criminal Appeal by setting aside the judgment of conviction and order of sentence. Thus, from the judgment dated 01.12.2020 passed in Criminal Appeal (S.J.) No.957 of 2015, it is clear that the original petitioner had been acquitted from the charge by giving him benefit of doubt.

8. The original petitioner thus had approached this Court for setting aside his order of dismissal with a prayer to grant all the retiral benefits.

9. Learned counsel representing the respondents submits that during pendency of this writ petition the original petitioner expired, thus he has been substituted by his son, who is the present petitioner. He also submits that the original

petitioner would have been superannuated on 01.07.2019, during pendency of the aforesaid Criminal Appeal, while he was a dismissed employee. It has been submitted that now the provident fund of the original petitioner has already been paid, pension has been fixed and so far as Gratuity is concerned, the matter is pending before the Controlling Authority. It has been further submitted that so far as leave encashment of the original petitioner is concerned, his claim had been rejected, since he was dismissed from service.

10. From the records, I find that the original petitioner had earlier filed W.P.(S) No.119 of 2017. While deciding the said writ petition, a Coordinate Bench of this Court vide order dated 13.10.2017, had held at para-6 that if the petitioner is finally acquitted of the charges framed against him in the criminal case, he may approach the respondent Authority for his reinstatement in service, if the Certified Standing Order of the Company so provides.

11. Now, it is the case of the petitioner that since the original petitioner had been acquitted, he should be deemed to be reinstated in service and all the benefits should be given.

12. From the records, I find that admittedly the original petitioner had been acquitted though by giving benefit of doubt. This benefit of doubt cannot be taken to be a disqualification so far as the reinstatement of original petitioner is concerned, as from the departmental charge-sheet it is quite clear that only on the basis of the conviction, the original petitioner had been dismissed. There was no other charge against the original petitioner nor the Enquiry Officer had ever enquired into the fact as to what was the act of the original petitioner, which amounted to misconduct as per the Service Rules of the respondents and whether such conduct of the original petitioner stands proved or not. If there would have been a fullfledged enquiry on the act of the original petitioner which can be said to be a misconduct and if the Enquiry Officer would have come to a conclusion that the act which the original petitioner has done amounts to misconduct which requires his dismissal, then the matter could have been different.

13. As in this case the only charge against the original petitioner is that of being convicted, in my view, once the said conviction is set aside, the order of dismissal should also be set aside. Thus, I am inclined to set aside the impugned Dismissal Order as contained in Letter bearing Ref. No.SA/AWS/TPTN/2016/191 dated 22.12.2016 (Annexure-7 to the writ petition), whereby the original writ petitioner was dismissed from service. The other impugned orders which are consequential in nature, are also set aside. The respondents are directed to pay all the consequential monetary benefits to this petitioner / legal heirs of the original petitioner - Late Ravi Shankar Jha, which the original petitioner was entitled to receive, within a period of six weeks from the date of receipt of copy of this order.

14. Accordingly, this writ petition stands allowed. No order as to costs.

15. Pending interlocutory application, if any, also stands disposed of.