

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P. (S) No. 1618 of 2021**

Dhirendra Singh

... **Petitioner**

Vs.

1. Bharat Coking Coal Limited, through its Project Officer, Amalgamated Block-II, OCP Mine, Nadkhurkee, Baghmara, Dhanbad
2. The Project Officer, Amalgamated Block-II, OCP Mine, BCCL, Nadkhurkee, Baghmara, Dhanbad

... **Respondents**

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK
(Through: Video Conferencing)

For the Petitioners : Mr. Sameer Saurabh, Advocate
 For the Respondent-BCCL : Mr. Amit Kr. Sinha, Advocate

04/06.09.2021 The petitioner has approached this Court for quashing of dismissal order of the petitioner issued vide Ref. No. PO/ABOCP/2020/4325 dated 04.07.2020 (Annexure-7) under the signature of the respondent No.2, by which the petitioner has been dismissed from service on the ground of conviction order passed by the learned Additional Session Judge-XVI, Dhanbad in connection with S.T. No.100 of 2018, corresponding to Baghmara P.S. Case No. 82/2017. Further prayer has been made for a direction upon the respondents to reinstate the petitioner in service with all consequential benefits.

At the very outset, learned counsel for the petitioner submits that the order of conviction passed by the learned Trial Court was subject matter of Appeal in Criminal Appeal (S.J) No. 839 of 2019 before this Court and this Hon'ble Court vide order dated 15.10.2020, suspended the order of conviction till the hearing of the said Cri. Appeal by making following observation:-

“ on perusal of the testimony of the witnesses, a prima facie case is made out in favour of the appellant and accordingly, the Judgment of conviction dated 24.07.2019, passed by the learned Additional Sessions Judge-XVI, Dhanbad in Sessions Trial No. 100 of 2018 is, hereby, suspended till the hearing of the appeal.”

Learned counsel for the petitioner further submits that as the order of conviction was put under suspension, the petitioner preferred a representation before the respondent No.2, annexing the order of suspension passed in Cr. Appeal No.839 of 2019, which is pending before the respondents, but the respondents have neither shown any consideration nor any orders have

been passed. Suffice, it would be if a direction be given to the respondents to dispose of the pending representation of the petitioner, within stipulated time.

Per contra, counter-affidavit has not been filed on behalf of the respondents. Learned counsel for the respondents submits that order of dismissal is based on the Standing Orders of BCCL. The law is well settled, once the employee is convicted, there cannot be any other order other than dismissal. However, he further submits that since the petitioner has filed representation before the respondents, if this Hon'ble Court directs, a conscious decision shall be taken, within stipulated time.

In view of the submissions made by the learned counsel for the parties, without commenting on the merits of this case, since the representation of the petitioner is pending before the Respondent No.2, the respondent No.2 is directed to consider the case of the petitioner and pass a reasoned order/conscious decision on the representation of the petitioner with a copy to the petitioner, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Needless to say that if the order is taken in favour of the petitioner, he shall be reinstated into services as per the Standing Order of the BCCL, within a further period of three weeks. If the case of petitioner is turned down for one or other reasons, same shall be communicated to him, within a further period of two weeks.

With the aforesaid directions, this writ petition stands disposed of.

(Dr. S.N. Pathak, J.)

punit/-