

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3619/2007

(From the judgement and order dated 09/11/2005 in WP No. 2584/1995
of The HIGH COURT OF CHATTISGARH AT BILASPUR)

ABDUL SHAHID QURAISHI

Petitioner(s)

VERSUS

CENTRAL MINE PLANNING&DESIGN I.LTD.&ANR.

Respondent(s)

(With office report)

Date: 13/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Sanjiv K. Jha, Adv.
Dr. Kailash Chand,Adv.

For Respondent(s)

Mr. Ajit Kumar Sinha,Adv.

Mr. Ashwarya Sinha, Adv.

Mr. Aabhas Parimal, Adv.

UPON hearing counsel the Court made the following

ORDER

This special leave petition has come up after notice and after counter affidavit has been filed. We have, therefore, heard learned counsel for the petitioner on the question of admission.

The petitioner while functioning as Assistant Draftsman(Civil) in the Central Mine Planning & Design Institute Limited, Regional Institute - from Bilaspur

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was issued a chargesheet in respect of the allegations set out in paragraph 8 of the impugned judgement of the High Court. Apart from the criminal proceedings taken against him, departmental proceedings were also commenced and while in the criminal proceedings the petitioner was sought to be acquitted, in the departmental proceedings, he was found guilty and his services were terminated on 20th January, 1993. The petitioner challenged the order of termination before the learned Tribunal, which dismissed his petition and the petitioner, thereafter, filed a writ petition before the High Court and the learned Single Judge taking all the facts into consideration, dismissed the writ petition. It is against the said order that the present special leave petition has been filed.

Although, learned counsel tried to impress upon us that in view of the acquittal in the criminal proceedings, the petitioner should have been exonerated in the disciplinary proceedings as well, we are unable to agree with the learned counsel for the petitioner in view of the settled position in law that the result of a criminal proceeding, even if one acquittal, would not prevent the concerned authorities from proceeding

with departmental proceedings, having regard to the different degrees of proof in respect of the two separate proceedings.

Having seen the allegations made, which have been upheld by the forums below, we are not inclined to interfere in the matter, and despite the fact that notice has been issued, we have no hesitation in dismissing the special leave petition.

There will be no order as to costs.

(Sheetal Dhingra)
Court Master

(Radha R.Bhatia)
Assistant Registrar