

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 25th OF APRIL, 2024

WRIT PETITION No. 10393 of 2024

BETWEEN:-

**BINOD KUMAR PANDEY S/O SHRI
KAUSHAL PRASAD PANDEY, AGED
ABOUT 39 YEARS, OCCUPATION:
PRIVATE JOB R/O WARD NO. 42
POLICE THANA ROAD WAIDHAN
DISTRICT SINGRAULI (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI D.S.PARIHAR - ADVOCATE)

AND

- 1. THE GENERAL MANAGER
NORTHERN COALFIELDS
LIMITED JAYANT PROJECT
DISTRICT SINGRAULI (MADHYA
PRADESH)**
- 2. THE GENERAL MANAGER
(LAND AND REVENUE)
NORTHERN COAL FIELD LTD.
HEADQUARTER SINGRAULI,
DISTRICT SINGRAULI (MADHYA
PRADESH)**
- 3. THE SUB GENERAL MANAGER
(RECRUITMENT) NORTHERN
COALFIELDS LTD. SINGRAULI
(M.P.) (MADHYA PRADESH)**
- 4. THE EMPLOYEE OFFICER,
NORTHERN COAL FIELD LTD.
JAYANT PROJECT DISTRICT
SINGRAUL (MADHYA PRADESH)**

**5. THE COLLECTOR, SINGRAULI,
DISTRICT SINGRAULI (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI DILIP PARIHAR – PANEL LAWYER)

This petition coming on for admission this day, the court passed the following:

ORDER

1. This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-
 - i) that this Honourable Court may kindly be pleased to call the entire record pertaining to subject matter on the petition.
 - ii) that this Honourable Court may be further pleased to issue the writ the nature of Certiorari by quashing the order dated 19.3.2024 (annexure P/1) and order dated 13.3.2023 (Ann P-2) and further directed to the respondents to issue the appointment letter in favour of the petitioner and give job to the petitioner as per the policy package deal.
 - iii) Any other relief is deemed fit and proper, which this Honourable Court may be allowed in the facts and circumstances of the case.
 - iv) The cost and compensation may also be granted.
2. It is submitted by counsel for the petitioner that the land of the petitioner was acquired and as per the acquisition policy, he was also entitled for a job. However, the respondents are not issuing appointment order on the ground that a criminal case is pending against the petitioner and the appointment order shall be issued only after he is acquitted. It is submitted that the petitioner has also given an undertaking that he may be

given a conditional appointment and in case, if he is convicted, then his service may be terminated.

3. Considered the submissions made by counsel for the petitioner.
4. Undisputedly, the petitioner is facing a criminal trial and under these circumstances, it cannot be said that the respondents are incorrect by deferring the issuance of appointment order till the criminal trial is over. Accordingly, this Court do not find any infirmity in the order dated 19.3.2024 by which the petitioner was informed that the appointment order shall be issued only after the criminal case is disposed of. However, it is made clear that, since the entitlement of the petitioner for his appointment is not in dispute and the issuance of appointment order is being deferred only on the ground of pendency of a criminal case, therefore, it is directed that the post on which the petitioner is entitled for recruitment shall be kept vacant or protected and in case, if the petitioner is acquitted, then the respondents shall issue the order of appointment to the petitioner if he fulfils all other conditions.
5. With aforesaid observation, the petition is **finally disposed of**.

(G.S. AHLUWALIA)
JUDGE

HS