

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 13th OF AUGUST, 2025

WRIT PETITION No. 55 of 2024

RAJKUMAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Bhole Nath Sharma - Advocate for the petitioner.

Shri Siddharth Shukla Panel Lawyer for the respondent-State.

shri Yashovardhan Jain, Advocate for the respondent No.-2.

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ORDER

By way of this petition, the petitioner calls into question the order of termination Annexure P/1 dated 29.06.2013 so also the consequential letters issued under RTI Act placed on record as part of the Annexure P/1.

2. A further challenge is made to order passed in appeal dated 11.04.2022 which has been communicated to the petitioner vide letter dated 31.10.2023 issued in pursuance to order dated 13.09.2023 passed in W.P. No. 15436/2023.

3. The petitioner was working as daily rated employee (unskilled labourer) in Municipal Corporation Bhopal and he was implicated in criminal case at crime No. 129/2011 at Police Station Shahpura, Bhopal for the offence punishable under Section 353, 332, 147, 148 and 149 of IPC. The petitioner stood convicted by the trial court vide judgment dated 27.05.2015

under Section 332/149 and 148 of IPC. The said conviction was thereafter confirmed in appeal vide Criminal Appeal No. 656/2015 decided by the Additional Sessions Judge, Bhopal and the sentence was reduced to fine in place of the jail sentence. However, conviction under Section 332/149 and 148 was maintained.

4. The respondents have terminated the services of the petitioner on 29.06.2018 as soon as the fact of conviction of the petitioner came to the knowledge of the respondents. It is not in dispute that the offence under Section 332 is an offence involving moral turpitude as defined vide notification dated 24.07.2018 issued by Home Department, Government of Madhya Pradesh. The conviction of the petitioner stands confirmed in appeal also and no further challenge to the said conviction as confirmed in appeal seems to have been made by the petitioner.

5. The petitioner having been involved in the offence of moral turpitude, no error can be found in the action of the respondents in terminating the services of the petitioner. Even as per Rule 19(i) of M.P. Civil Services (Classification, Control and Appeal) Rules applicable to regular employees enquiry can be dispensed with where the penalty is imposed on government servant on the ground of conduct which leads to his conviction on criminal charges. The said analogy has been borrowed from proviso (a) to Article 311(2) of the Constitution of India which is similar provision.

6. In view of the above, since the petitioner has been convicted for the offence involving moral turpitude by court of law, no error can be found

in the action of the respondents Corporation in terminating the services of the petitioner.

7. The petition failed and is dismissed.

(VIVEK JAIN)
JUDGE

MISHRA