

1  
IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE  
HON'BLE SHRI JUSTICE SHEEL NAGU  
ON THE 14<sup>th</sup> OF NOVEMBER, 2022

**WRIT PETITION No. 20681 of 2022**

**BETWEEN:-**

NEELKANTH KAHATE S/O SHRI SHYAMROA  
KAHATE, AGED ABOUT 59 YEARS,  
OCCUPATION: UNEMPLOYEE R/O VILLAGE  
TINKEHEDA POST KHERI TAIGAON TEHSIL  
SAUN SAR DISTRICT CHHINDWARA (MADHYA  
PRADESH)

.....PETITIONER

(BY SMT. ANCHAN PANDEY, ADV.)

**AND**

1. THE STATE OF MADHYA PRADESH THROUGH  
SECRETARY PUBLIC HEALTH FAMILY  
WELFARE DEPARTMENT VALLABH BHAWAN  
DISTRICT BHOAPL (MADHYA PRADESH)
2. THE CONTROLLER, FOOD AND DRUGS  
ADMINISTRATION IDGAH HILLS, BHOPAL  
(MADHYA PRADESH)
3. THE DEPUTY DIRECTOR, C M O DISTRICT  
BALAGHAT (M.P.) (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI PIYUSH DHARMADHIKARI, G.A.)

.....  
*This petition coming on for orders this day, the court passed the  
following:*

**ORDER**

This petition has been filed assailing the order of penalty of dismissal as prescribed under Rule 9 (g) of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the 1966 Rules'), while invoking the provisions of Rule 19 of the 1966 Rules on the ground of judgment of

conviction dated 29.7.2019 rendered by Special Judge (Prevention of Corruption) Act, Seoni finding petitioner guilty of offence punishable under Sections 13(1) (d) read with 13(2) of Prevention of Corruption Act and sentencing him to undergo RI for three years and four years with fine of Rs.5000/- on each count.

It is submitted by learned counsel that the Criminal Appeal 6511/2019 assailing the aforesaid judgment of conviction is pending adjudication before this Court where the sentence in question has been suspended by order 3.10.2019 vide Annexure P-2.

Learned counsel for the petitioner has cited decisions of the Apex Court rendered in the case of *Ramnarayan Sharma Vs. State of M.P. & Ors. in W.A.No.357/2016, Shankar Dass Vs. Union of India & Anr., 1985 SCR (3) 163* and the judgment of this Court in *Sukhnandan Chaturvedi Vs. State of M.P. & Ors. in W.P.No.8712/2010* in support of challenge to the order of dismissal from services.

This Court declines to enter into merits of this matter since the petitioner can very well avail the remedy of statutory appeal under Rule 23 against the impugned order dated 6.10.2020 Annexure P-1.

To enable the petitioner to file an appeal without having to overcome the obstacle of limitation which may have expired by now, and considering the gravity of offence and the fact of petitioner's past services have been forfeited on account of impugned order, this Court deems it appropriate to extend liberty to the petitioner to prefer an appeal.

Accordingly, if an appeal against the impugned order Annexure P-1 is preferred to the appellate authority within a period of 30 days along with the copy of this order, then the same shall be considered by the appellate authority

on its own merits without being dismissed on limitation alone.

It is expected of the appellate authority to decide the appeal as expeditiously as possible preferably within a period of three months.

Accordingly, the writ petition is disposed of.

**(SHEEL NAGU)**  
**JUDGE**

P/-

