



2026:CGHC:9919

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Order reserved on 23-02-2026**

**Order delivered on 26-02-2026**

**REVP No. 191 of 2025**

Ram Prasad Nayak S/o Bhagbali Nayak Aged About 70 Years R/o  
Shanti Vihar Colony, Dangniya Raipur, District - Raipur, Chhattisgarh  
**... Petitioner**

**versus**

- 1** - State Of Chhattisgarh Through Secretary, Department Of Energy,  
Mantralya Atal Nagar, Raipur Chhattisgarh District Raipur Chhattisgarh
- 2** - Chhattisgarh State Power Distribution Company Limited Through  
Managing Director (CSPDCL), Dangniya Raipur, District - Raipur  
Chhattisgarh
- 3** - Superintendent Engineer Chhattisgarh State Power Distribution  
Company (Civil - Distribution) Cercal C-6, Gudiyari Raipur, District  
Raipur Chhattisgarh
- ... Respondent(s)**

**(Cause title is taken from Case Information System)**

|                           |                                       |
|---------------------------|---------------------------------------|
| For Petitioner            | : Ms. Surya Kawalkar Dangi, Advocate  |
| For Respondent/ State     | : Mr. Anand Gupta, Dy. Govt. Advocate |
| For Respondents No. 2 & 3 | : Dr. Veena Nair, Advocate            |

**(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)**

**C A V Order**

1. By the present review petition, the review petitioner/ writ petitioner is seeking review of order dated 15/04/2025 passed by this Court in WPS No.1473/2021 by which the writ petition, filed by the petitioner questioning the order dated 05/02/2021 passed by the respondent/ CSPDCL whereby the petitioner was declined to grant back-wages, was dismissed with an observation that Rule 54-B of the Fundamental Rules (for brevity, 'the FR') would not be applicable to his case.
2. The case of the petitioner, as projected in the writ petition, is that the petitioner was initially appointed in the Electricity Board in the year 1977. Subsequently, he was promoted to the post of Supervisor (Civil) in the year 1995. According, to the petitioner one Manshukh Lal made a complaint to the Anti Corruption Bureau, Raipur against the Additional Superintendent Engineer and the petitioner in respect of illegal demand of bribe and in the said proceeding, the FIR was registered for the offence punishable under Sections 7, 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988. On account of registration of FIR, the petitioner has been placed under suspension by order dated 12.10.2007. Since the trial could not be concluded within a period of 3 years the suspension period has been revoked by order dated 04.09.2010. In the meantime, after completion of trial, the petitioner has been convicted by the Court of Special Judge

(Prevention of Corruption Act) Raipur, C.G. Owing to conviction imposed by the learned Trial Court, the petitioner has been terminated from the services by order dated 01.04.2013. The said conviction has been challenged by the petitioner before this Court in CRA No. 1153/2012, which has been allowed by this Court vide judgment dated 08.05.2020 and the petitioner has been acquitted from the charges. In the meanwhile, the petitioner retired from service on 31-8-2018 on attaining the age of superannuation. Thus, after acquittal, the petitioner made several representations before the authorities seeking back-wages, which has been rejected and petitioner was declined to grant back-wages. Thereafter the petitioner filed the writ petition challenging the impugned order dated 05/02/2021 and the same was dismissed by this Court by the order under review. Against the said order, the petitioner preferred writ appeal No. 418/2025 which has been dismissed by the Division Bench of this Court as withdrawn vide order dated 30/06/2025 reserving liberty in favour of the writ petitioner to take recourse to law before the learned Single Judge. Hence the present review petition.

3. (i) Learned counsel for the petitioner would submit that earlier counsel appearing for the writ petitioner has relied upon the provisions of Rule 54-B of the FR whereas in the facts of the present case, Rule 54 would be applicable and on the basis of the said provision, the petitioner is entitled for back-wages during the period when he was out of service. She would submit that in the instant case, the decision rendered by the Supreme Court in the

matter of ***Ranchhodji Chaturji Thakore vs. Superintendent Engineer, Gujarat Electricity Board, Himmatnagar (Gujarat) and Another*** reported in ***(1996) 11 SCC 603*** would not be applicable.

(ii) Learned counsel further submits that the order under review dated 15.04.2025 suffers from an apparent error on the face of record inasmuch as the case of the petitioner is squarely governed by Rule 54 of the FR and not by Rule 54-B, which pertains only to cases of suspension. She vehemently contends that the petitioner, having been dismissed solely on account of conviction and subsequently acquitted on merits by this Court in Criminal Appeal No. 1153/2012, stands fully exonerated, and therefore, in terms of Rule 54, the competent authority was mandatorily required to treat the period from dismissal till retirement as spent on duty and to grant full pay and allowances.

(iii) According to the learned counsel, the petitioner raised a specific ground in the review petition that Rule 54 of the FR makes a clear distinction between honourable acquittal and acquittal on technical grounds or benefit of doubt, and in cases of complete exoneration, full back-wages follow as a matter of right. She would submit that even otherwise, complete denial of pay for the interregnum period is impermissible under Rule 54, which in no case permits payment of less than subsistence allowance, and that the order dated 05.02.2021 was passed without affording any opportunity of hearing to the petitioner. Accordingly, learned counsel urged that non-consideration of the mandatory mandate

of Rule 54 constitutes a manifest error warranting review. In support of her contention, she would place reliance upon the decisions rendered by the Supreme Court in the matter of ***Jaipur Vidyut Vitran Nigam Limited and Others vs. Nathu Ram*** reported in ***(2010) 1 SCC 428*** and the decisions rendered by this Court in the matters of ***Shankar Lal Soni (died) through LR's vs. State of Chhattisgarh and Others*** reported in ***2021 SCC OnLine Chh 2722***; ***Rajendra Sharma vs. State of Chhattisgarh and Others*** reported in ***2021 SCC OnLine Chh 2812***; and ***Santosh Kumar Patnayak vs. State of Chhattisgarh and Others*** reported in ***2024 SCC OnLine Chh 1296***.

4. (A) Countering the aforesaid submissions of the petitioner, learned counsel appearing for the respondents submits that the present review petition is misconceived and does not disclose any error apparent on the face of record warranting interference in review jurisdiction. Learned counsel submits that this Court, while passing the order dated 15.04.2025 in WPS No. 1473/2021, has rightly declined the relief of back-wages. Learned counsel would submit that though Rule 54-B of the FR is not applicable to the case of the petitioner, as the said provision pertains to cases of suspension, however, Rule 54 of the FR is equally inapplicable to the petitioner's case. She contends that the petitioner was dismissed from service on account of his conviction by the competent criminal court and not as a consequence of any departmental proceedings, and mere acquittal in appeal would not automatically entitle him to claim back-wages as a matter of right.

(B) Placing reliance upon the decision of the Supreme Court in **Ranchhodji Chaturji Thakore (supra)**, it is submitted that grant of back-wages is not a natural or automatic consequence of acquittal. She thus argued that the petitioner is seeking re-appreciation of the matter on merits under the guise of review, which is impermissible in law, and therefore, the review petition deserves to be dismissed. She would place reliance upon the decision rendered by the Supreme Court in the matter of **Corp. Mithilesh Kumar alias Mithilesh Singh vs. Union of India and Others reported in (2020) 12 SCC 423** and would contend that merely because there has been an acquittal does not automatically entitle the petitioner to get the consequential benefits.

5. I have heard learned counsel for the parties and perused the record with utmost circumspection.
6. The order under review was passed by this Court in detail by assigning sufficient and cogent reasons that too after hearing all the parties at length. By considering the entire aspects of the matter in its true perspective and by relying upon several decisions rendered by the Supreme Court including the decision rendered in **Ranchhodji Chaturji Thakore (supra)**, this Court dismissed the writ petition observing thus at para 12 and 13 :-

*“12..... it is quite vivid that the petitioner was convicted by the jurisdictional criminal court for offences under Sections 7 & 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 pursuant to which*

his services were terminated. However, in the criminal appeal this court acquitted the petitioner from the charges. But in the meanwhile, the petitioner retired from service on 31.08.2018, on attaining the age of superannuation. However, he has been denied back-wages, as the respondent CSPDCL was unable to take the services of the petitioner due to his facing criminal charges and as such, in light of the principles of law laid down by their Lordships of the Supreme Court in **Ranchhodji Chaturji Thakore** (supra), **Jaipal Singh's** case (supra), **Baldev Singh** (supra) and **Mohammed Abdul Rahim's** case (supra), subsequent acquittal of the petitioner though obliterates his conviction, does not operate retrospectively to wipe out the legal consequences of the conviction and thus, he would not be entitled for back-wages. Concludingly, it is held that Rule 54-B of the Fundamental Rules would not be applicable to the petitioner herein in the present case. Consequently, Rule 54-B of the Fundamental Rules would not be applicable and thus, he would not be entitled for back-wages.

13. In that view of the matter, I do not find any merit in this writ petition, it deserves to be and is accordingly dismissed leaving the parties to bear their own cost(s).”

7. From the aforesaid facts, it is an admitted fact that the writ petitioner could not have remained employed with the respondent

authorities during the said period on account of his involvement in a criminal case and as such it is difficult to visualize as to how he would be entitled to pay and allowances during the said period. His subsequent acquittal albeit obliterates his conviction, does not operate retrospectively to wipe out the legal consequences. The entitlement of the petitioner to back-wages has to be judged on the aforesaid basis.

8. It is the trite law that employee dismissed from service on conviction and reinstated on acquittal in appeal, he is not entitled to back-wages for the period of absence.
9. Even if, Rule 54 of the FR would apply to the present case then also the petitioner is not entitled for any relief as in the said provision there is no mention of criminal case. For the sake of convenience, Rule 54 is quoted below :-

**“F.R. 54. Pay and allowances on re-instatement. (1)**

When a Government servant who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal or review or would have been so re-instated [but for his retirement on superannuation, while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order-

- (a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of the opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation [within 60 days from the date on which the communication in this regard is served on him] and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such [amount not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2), including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the Appellate or Reviewing Authority solely on the ground of non-compliance with the requirements of Clause (2) of Article 311 of the Constitution and no further enquiry is proposed to be held, the Government servant shall,

subject to the provisions of sub-rules (6) and (7), be paid such [amount (not being the whole)] of the pay and allowance to which he would have been entitled had he not be dismissed, removed or compulsory retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period [which in no case shall exceed sixty days from the date on which the notice has been served] as may be specified in the notice:

[Provided that any payment under this sub-rule to a Government servant, other than a Government servant who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936), shall be restricted to a period of three years immediately preceding the date on which orders for re-instatement of such Government servant are passed by the Appellate Authority or Reviewing Authority, or immediately preceding the date of retirement on superannuation of such Government servant, as the case may be.]

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government servant so desires, such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and

admissible to the Government servant.

Note- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary to the grant of-

(a) extra-ordinary leave in excess of three months in the case of temporary Government servant, and

(b) leave of any kind in excess of five years in the case of permanent or quasi permanent Government servant.

(6) The payment of allowances under sub-rule (2) or sub-rule (4), shall be subject to all other conditions under which such allowances are admissible.

(7) The [amount] determined under the proviso to sub-rule (2) or under sub-rule (4), shall not be less than the subsistence allowance and other allowances admissible under rule 53.

(8) Any payment made under this rule to a Government servant on his re-instatement, shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the emoluments earned during the employment elsewhere, nothing shall be paid to the Government servant.”

10. The Supreme Court in the matter of ***Union of India and Others vs. Jaipal Singh reported in (2004) 1 SCC 121***, held thus at para 4 :-

“4. On a careful consideration of the matter and the materials on record, including the judgment and orders

brought to our notice, we are of the view that it is well accepted that an order rejecting a special leave petition at the threshold without detailed reasons therefor does not constitute any declaration of law by this Court or constitute a binding precedent. Per contra. the decision relied upon by the appellant is one on merits and for reasons specifically recorded therefor it operates as a binding precedent as well. On going through the same, we are in respectful agreement with the view taken in Ranchhodji. If prosecution, which ultimately resulted in acquittal of the person concerned was at the behest of or by the department itself, perhaps different considerations may arise. On the other hand, if as a citizen the employee or a public servant got involved in a criminal case and if after initial conviction by the trial court, he gets acquittal on appeal subsequently, the department cannot in any manner be found fault with for having kept him out of service, since the law obliges a person convicted of an offence to be so kept out and not to be retained in service. Consequently, the reasons given in the decision relied upon, for the appellants are not only convincing but are in consonance with reasonableness as well. Though exception taken to that part of the order directing reinstatement cannot be sustained and the respondent has to be reinstated in service, for the reason that the earlier discharge was on account of those criminal

proceedings and conviction only, the appellants are well within their rights to deny back wages to the respondent for the period he was not in service. The appellants cannot be made liable to pay for the period for which they could not avail of the services of the respondent. The High Court, in our view, committed a grave error, in allowing back wages also, without adverting to all such relevant aspects and considerations. Consequently, the order of the High Court insofar as it directed payment of back wages is liable to be and is hereby set aside.”

11. Similar view has been taken by the Supreme Court in the matter of ***State Bank of India and Another vs. Mohammed Abdul Rahim reported in (2013) 11 SCC 67.***
12. The petitioner is seeking the relief of back-wages after his acquittal by the High Court in a criminal appeal by relying upon the provisions of Rule 54 of the FR, whereas the said provision would not be applicable to the case at hand because the petitioner’s termination was not on account of disciplinary action, and the claim is not consequent upon exoneration in a departmental appeal. The petitioner was out of employment and was terminated during the period of conviction in a criminal case. Now he is claiming back-wages owing to his acquittal in the criminal appeal.
13. It is noteworthy to mention here that it was his own conduct of involving himself in the crime that was taken into account for his not being in service of the respondent. Consequent upon his

acquittal, he may be entitled to reinstatement for the reason that his service was terminated on the basis of the conviction by operation of the proviso to the statutory rules applicable to the situation. However, the question of back-wages would have arisen only if the respondents had taken action by way of disciplinary proceedings and the said action was found to be unsustainable in law, and he was unlawfully prevented from discharging his duties. The conduct of the petitioner becomes relevant for consideration of his entitlement to back-wages. In the present case, since the petitioner had involved himself in a crime, though he was later acquitted, he had disabled himself from rendering service on account of conviction and incarceration in jail. Under these circumstances, the petitioner is not entitled to payment of back-wages.

14. In the present case, the principal contention of the review petitioner is that this Court failed to apply Rule 54 and instead proceeded on an erroneous premise regarding Rule 54-B. However, a careful reading of the order dated 15.04.2025 would demonstrate that the entitlement of the petitioner to back-wages was considered on merits and declined.
15. It is not in dispute that the petitioner was dismissed from service on account of his conviction by the competent criminal Court and not pursuant to any departmental proceedings. His subsequent acquittal in Criminal Appeal No. 1153/2012 does not automatically entitle him to back-wages. In **Ranchhodji Chaturji Thakore (supra)**, the Supreme Court has clearly held that acquittal in a

criminal case does not ipso facto confer a right to claim back-wages for the period during which the employee remained out of service on account of conviction. The principle laid down therein is that where the employer had acted on the basis of a subsisting conviction, the action cannot be termed illegal merely because the conviction was later set aside.

16. By placing reliance upon the decisions rendered in the matter of **Ranchhodji Chaturji Thakore** (supra) and **Jaipal Singh** (supra), the Supreme Court reiterated the same view in **Corp. Mithilesh Kumar alias Mithilesh Singh** (supra).
17. The reliance placed by the petitioner upon **Jaipur Vidyut Vitran Nigam Ltd. (supra)** is distinguishable on facts. In the said case, the Supreme Court examined circumstances where reinstatement followed and the issue arose in a different statutory backdrop. In the present case, the petitioner had already superannuated and is claiming back-wages for the interregnum period. The question is not of reinstatement but of financial consequences for a period during which he did not render service owing to his conviction by a competent Court.
18. In the matters of **Shankar Lal Soni** (supra) and **Rajendra Sharma** (supra), the decision rendered by the Supreme Court in **Ranchhodji Chaturji Thakore (supra)** has not been considered. Though in the matter of **Santosh Kumar Patnayak** (supra) in the submission of learned State counsel the decision of **Ranchhodji Chaturji Thakore** was referred, however, there is no finding about the applicability of the said decision.

19. Be that as it may, it is well settled that the jurisdiction of review is extremely limited. In case of **Kamlesh Verma v. Mayawati reported in (2013) 8 SCC 320**, the Supreme Court has categorically held that review is maintainable only when there is an error apparent on the face of record, and that re-appreciation of arguments or rehearing on merits is impermissible. Similarly, in the case of **State of West Bengal v. Kamal Sengupta reported in (2008) 8 SCC 612**, it has been reiterated that a review proceeding cannot be equated with the original hearing of the case and is confined to correction of patent errors.
20. Further, even assuming that an alternative view is possible regarding applicability of Rule 54, the same would at best amount to a debatable point of law and not an error apparent on the face of record. As held in **Kamlesh Verma (supra)**, a review cannot be entertained merely because another view is possible.
21. Very recently, the Supreme Court passed the order dated 08/09/2025 in the matter of **Malleeswari vs. K. Suguna & Another reported in AIR 2025 SC (Civil) 2490 :: AIR Online 2025 SC 827** has laid down the principles in respect of dealing of review petition at para 15 which reads thus :-...

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the

courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors."

22. Applying the aforesaid well settled principles of law and in view of the foregoing analysis, this Court is of the considered opinion that no error apparent on the face of the record has been demonstrated in the order dated 15.04.2025 passed in WPS No. 1473/2021. The present review petition, in substance, seeks re-argument and re-appreciation of the matter on merits, which is impermissible within the limited scope of review jurisdiction. The principles governing grant of back-wages consequent upon acquittal were duly examined while deciding the writ petition, and no ground warranting exercise of review powers is made out.
23. Accordingly, the review petition is liable to be and is hereby **dismissed**.

Sd/-

**(BIBHU DATTA GURU)**  
**JUDGE**