

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(S) No. 4496 of 2007

- Narayan Rao Chauhan, aged about 49 years, S/o late Laxman Rao Chauhan, R/o Kushalpur, Near Sitala Temple C/o Amit Kumar Chauhan, Raipur, Tahsil and District Raipur (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department of Public Health Engineering, DKS Bhawan, Raipur (CG).
2. Engineer in Chief, Public Health Engineering Department, Civil Lines, Near Kali Mandir, Raipur (CG).
3. Superintendent Engineer, Public Health Engineering Department, Beside Khalsa School, Pandari Road, Raipur (C.G)
4. Executive Engineer, Public Health Engineering Department, Mahasamund (C.G)
5. Assistant Engineer, Public Health Engineering Department, Saraipali, Distt. Mahasamund (CG).

---- Respondent

For Petitioner	:	Shri Shikhar Sharma, Advocate under instructions of Shri Raghvendra Pradhan, Advocate.
For Respondents	:	Shri Vinod Deshmukh, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

10/08/2015

1. The limited prayer of the Petitioner in this petition which was filed in the year 2007 was for a direction to the Respondents to accept the joining of Petitioner.

2. According to Petitioner himself, he was implicated in a criminal case on account of which he was in jail for about 15 months and subsequently he got an order of acquittal in his favour from the High Court and when he reported to resume his duties, his joining was denied by the Respondents.
3. Subsequently, the State Govt. has filed its reply along with document Annexure-R/5, dated 11.08.2008, in which it has been reflected that the Petitioner has been permitted to resume his duties vide order dated 11.08.2008 and the period from 06.12.1994 to 27.04.2008 has been treated as *dies-non*. Further, Annexure R/6 dated 28.04.2008 has also been filed along with reply showing that Petitioner has resumed his duties pursuant to order dated 11.08.2008.
4. From the pleadings of the Petitioner it does not appear that Petitioner has challenged the subsequent order dated 11.08.2008 whereby he was permitted to resume his duties and the intervening period was declared as unauthorized leave (No Work No Pay) and the said period has also been ordered to be treated as *dies-non*. Unless the said order dated 11.08.2008 is challenged and is quashed, the consequential relief of intervening period cannot be further looked into by this court through the present Writ Petition.
5. Accordingly, the instant Writ Petition so far as the order dated 11.08.2008 passed, redresses the main grievance of the Petitioner regarding his joining is concerned. However, so far as, order dated 11.08.2008 is concerned, it is left open to the Petitioner, if he so wishes, to challenge the same and seek for consequential reliefs, if any.
6. Accordingly, the Petition is dismissed as having become infructuous.

Sd/-

(P.Sam Koshy)
JUDGE