

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2146 of 2012**

- Tikaram Patle, S/o Shri Asthir Patle, Aged About 58 Years Occupation Government Service - Deputy Director Panchayat And Social Welfare R/o - Old Irrigation Colony, City And Tehsil Janjgir District - Janjgir Champa (C. G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary Department Of Social Welfare, Mantralay, D. K. S. Bhawan Raipur (Chhattisgarh)
2. Director Directorat Of Panchayat And Social Welfare, Mahanadi Khand, Raipur, City Tehsil And District Raipur (C. G.)
3. Shri M. D. Banjara, Deputy Director, Panchayat & Social Welfare Korba (C. G.)

---- Respondent

For Petitioner : Shri Pramod Verma, Sr. Advocate with Shri Virendra Verma, Advocate.
 For Respondent/State : Shri Dhiraj Wankhede, Govt. Advocate.
 For Respondent No.3 : Shri Jaiprakash Shukla, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/09/2015**

1. At the relevant time, the petitioner was working as Deputy Director, Panchayat and Social Welfare and was posted at Korba. He was transferred in the same capacity to Narayanpur on 15.7.2010, however, he did not join at Narayanpur. It is said that respondent No.3 assumed

the charge at Korba on 19.8.2010. The petitioner was relieved from the office of Deputy Director, Panchayat and Social Welfare, Korba on 27.8.2010 (Annexure-P/3). Eventually, the petitioner's transfer to Narayanpur was cancelled on 3.1.2012 (Annexure-P/7) and was posted at Janjgir-Champa.

2. In this petition, the petitioner has prayed for salary from August, 2010 to December, 2011.
3. It is argued that the petitioner could not have been relieved by the Deputy Director, Panchayat and Social Welfare, therefore, his relieving vide Annexure-P/3 being illegal and without jurisdiction, he should be allowed to work at Korba and payment of salary for the relevant period could not be denied to him.
4. Per contra, Shri Wankhede, learned State counsel would refer to the document (Annexure-R/1) whereby the Collector, Korba has relieved the petitioner on 19.8.2010.
5. At this stage, Shri Verma, learned Senior Counsel for the petitioner would submit that if the Collector had already relieved the petitioner on 19.8.2010, there was no occasion for the Deputy Director, Panchayat and Social Welfare, Korba to relieve the petitioner again on 27.8.2010. He would further submit that Annexure-R/1 was never served on the petitioner.
6. It appears, when the petitioner was transferred to Narayanpur, he did not

join at Narayanpur but was not attending duties at Korba also. Therefore, to allow respondent No.3 to function at Korba, he was allowed to assume ex-parte charge at Korba. The petitioner has disputed the relieving order issued by the Collector on 19.8.2010. However, under the writ jurisdiction, this Court may not decide about the genuineness of the order Annexure-R/1. Admittedly, the Collector is the relieving authority of the petitioner. At the same time, it is also to be seen that during the relevant period i.e. August, 2010 to December, 2011, the petitioner has not worked at either places. Therefore, payment of salary or regularization of the service during this period has to be undertaken by the respondents so that the petitioner may not suffer delay in finalization of his pension case. It is stated at the Bar that the petitioner is due to attain the age of superannuation in March, 2016.

7. For the foregoing, this Court deems it appropriate to dispose of the writ petition with observation that if the petitioner submits a fresh representation for payment of salary/regularization of his service for the period from August, 2010 to December, 2011 within a period of 15 days from today, respondent No.1 shall consider and decide the representation at the earliest, preferably within a period of 3 months from the date of submission of representation.

Sd/-
Judge
(Prashant Kumar Mishra)