

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 2734 of 2015

Mukesh Tiwari S/o Shri Vishnu Kumar Tiwari, Aged about 34 years, R/o Near Mahamaya Mandir, Malha Para, Mungeli, District Mungeli, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Urban Administration and Development, Mahandi Bhawan, New Raipur, P.S. Rakhi, District Raipur, Chhattisgarh
2. The Joint Director, Department Of Urban Administration and Development, Near old RTO Office, Vyapar Vihar, Bilaspur District Bilaspur, Chhattisgarh
3. The President in Council, Through - President Municipal Council, Takhatpur, District Bilaspur, Chhattisgarh
4. Municipal Council, Takhatpur, Through - Chief Municipal Officer, Municipal Council Takhatpur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sudeep Agrawal, Advocate
For Respondents 1 & 2	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

31/07/2015

Limited prayer of the petitioner in the instant writ petition is for a direction to respondent No.4 to permit him to resume his duty immediately.

2. The grievance of the petitioner is that he had gone on sanctioned leave from 01.05.2015 to 15.05.2015 and subsequently the said leave was applied to be extended till 16.06.2015 on medical ground. Subsequently, the petitioner along with fitness certificate approached the authority for giving his joining which was refused and till date the authority neither has permitted him to resume his duty nor has taken any disciplinary action against him.

3. Counsel for the petitioner submits that respondent No.4 i.e. the Municipal Council vide its resolution dated 28.05.2015 had already taken a decision to conduct disciplinary action against the petitioner but till date no disciplinary action has been taken against the petitioner nor has the petitioner been permitted to join his duty.

4. On perusal of the record would show that the petitioner in between had made a representation to the State Government in this regard and respondent No.2 vide its order dated 09.07.2015 had directed the respondent No.4 to pass appropriate order granting him joining as according to the respondent No.2 i.e. the Joint Director, Department of Urban Administration Department the action on the part of the respondent No.4 in not permitting the petitioner the joining was illegal.

5. Taking into consideration the entire facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the respondent No.4 is directed to take appropriate steps in the case of the petitioner keeping in view the order dated 09.07.2015 passed by respondent No.2. It is expected that the respondent No.4 shall take a prompt decision.

6. Needless to mention that the Authority concerned would be at liberty to take appropriate administrative disciplinary action as per the rules and the granting of joining will not come in its way in initiating disciplinary action.

7. With the aforesaid observation, the instant writ petition stand disposed of.

Sd/-
P. Sam Koshy
Judge