

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No.464 of 2015**

Padamdhar Prasad Pandey S/o Late Shri Indrapal Prasad Pandey, Aged About 57 Years R/o In Front Of Hotel Avas, Qtr. No. H - 2, Government Colony, Main Road, Baikunthpur, District Koriya (Chhattisgarh)

---- Petitioner

Versus

1. Mr. S. Prakash At Present Collector, Koriya Baikunthpur, District Koriya (Chhattisgarh)
2. Mr. B. C. Ekka, Deputy Collector And In-Charge Deputy Director, Social Welfare Department, Koriya - Baikunthpur, District Koriya (Chhattisgarh).....
(Contemnors)

---- Respondent

For Petitioner	:	Shri R. S. Baghel, Advocate
For Respondents	:	Shri S. P. Kale, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/12/2015**

Learned counsel for the petitioner submits that vide order dated 27-10-2014, though the petitioner has been reinstated in service, despite submission of his joining on 13-08-2013, the salary of the intervening period with effect from 13-08-2013 to 27-10-2014 has remained unpaid. According to learned counsel for the petitioner, the petitioner was entitled to salary for the aforesaid period, because in compliance of the order of the Court, he had submitted his joining on 13-08-2013. He submits that the order was held to be without jurisdiction, void and ab initio. It is submitted that from the date of joining of the petitioner, he is entitled to salary and merely because, writ appeal was filed, the respondents were not justified in delaying joining of the petitioner up to 27-10-2014.

2. Learned counsel for respondents submits that there is no intention to flout the

order of the Court. The respondents had decided to file writ appeal, which was also filed, then waited for decision and after writ appeal was dismissed by the Court on 31-07-2014, the petitioner has been reinstated on 27-10-2014. He also submits that the petitioner may raise this issue in pending writ petition.

3. Considering the submission of learned counsel for parties, particularly taking into consideration that claim for salary is for the period subsequent to passing of order by this Court, the petitioner would be at liberty to claim salary in the pending writ petition.

4. With the said observation, the petition is finally disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge