

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2319 of 2013

Ravindra Kumar S/o Shri Rajkishore Prasad Aged About 40 Years Asstt Grade Iii On Daily Wages, R/o Baigin Dabhar, Rampur Korba, Qtr. No. 580-A, Tah & Distt Korba, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh through The Secretary, Revenue Deptt, Mahanadi Mantralaya, New Raipur, Dist Raipur, Cg
2. Collector Korba, Dist Korba, Cg
3. Rajat Kumar Collector, Korba, Collectorate, Po & Ps Korba, Dist Korba, Cg
4. Sub Divisional Officer Korba, Dist Korba, Cg
5. Tahsildar Kartala, Dist Korba, Cg
6. Shri B.R.Thakur Tahsildar At Present Posted At Pankhajur, Po & Ps Pankhajur, Disdt Kanker, Cg

---- Respondents

For Petitioners:	Shri Sanjay Pael, Advocate.
For Respondents/State:	Shri B. Gopa Kumar, Deputy Advocate General.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

4.11.2015

The Petitioner through the present Writ Petition is claiming for relief of releasing his salary for the period January, 1997 to November 2005 with interest. Additionally, the Petitioner has also sought for quashment of the order dated 3.11.2012 passed by the Collector, Korba (Annexure P-12).

2. The facts in nutshell are that the Petitioner, on an earlier occasion, had filed a writ petition i.e. Writ Petition (S) No.4335/2012 claiming for arrears of salary for the period 1996 to 2005 on the ground that Tahsildar has been repeatedly seeking sanction from the Collector for additional funds for releasing salary payable to the Petitioner. The said writ petition was disposed by this Court on 27.9.2012 directing the Collector to consider and pass appropriate orders on the claim of the Petitioner within a period of six weeks.

3. Based upon the directives of this Court in the said writ petition, the Collector verified the records available in the office of the Respondents and after scrutiny of the same, has passed the impugned order Annexure P-12 dated 3.11.2012 rejecting the claim put forth by the Petitioner.

4. It is pertinent to note that while rejecting the representation and claim of the Petitioner, the Collector has specifically held that the documents based on which the Petitioner is seeking release of salary was not issued by the competent authority and that in the verification of the record also, it revealed that in the past there has been no claim made by the Petitioner seeking for releasing of his salary nor there had been any complaint or representation made by him to the competent authority during the relevant point of time. Further the Collector also found that the covering letter of the then Tahsildar, Korba in support of the representation made by the Petitioner was also not having the signatures of the then Tahsildar, Korba. So far as the allotment of funds for releasing of the salary to the Petitioner is concerned, the Collector has submitted that the claim for additional funds had already been rejected by the Collector on 23.11.2011. Further the Collector, on verification of the record, found that the claim of the Petitioner regarding his appointment for the year 1996 under the instructions of the Naib Tahsildar BR. Thakur itself was incorrect and false for the reason that Shri BR. Thakur himself was not even appointed by the State Government as Tahsildar during the said period and that it is only in the year 1997 that he was appointed as Tahsildar. Therefore, the Petitioner could not have been appointed in the year 1996.

5. Keeping all this in mind, the claim of the Petitioner was rejected vide impugned order (Annexure P-12).

6. Another aspect which is reflected from the records is that the Petitioner is claiming for payment of wages for the period from 1996 to 2005 for the first time by filing a writ petition in the year 2012 i.e. Writ Petition (S) No.4335/2012 i.e.

almost 17 years he had never raised any grievance with any authority for releasing of his payment of wages for the period 1996-2005.

7. It is also surprising that from 1996, the Petitioner is alleged to have worked with the Respondents continuously but in the 10 years, he was not paid any salary whatsoever and yet he did not raise any hue and cry or even raised his claim for releasing of the salary from the Respondents is far more surprising.

8. The State Counsel, in its reply have categorically stated that the entire claim of the Petitioner was based on forged and fabricated documents and therefore, he is not entitled for any relief.

9. So far as the contention of the Petitioner that Tahsildar BR. Thakur has subsequently filed an affidavit stating that the date in the order of appointment of the Petitioner as 1996 has been inadvertently issued whereas it was 1997. This fact is also disputed by the State counsel in its reply stating that such statement of Respondent No.6 also cannot be accepted for the reason that dispatch number reflected in the said impugned order issued by Respondent No.6 appears to be fabricated as the said dispatch number is of the year 1996 when Respondent No.6 was not in employment of the State Government.

10. From the given facts and circumstances of the case, it appears that the Petitioner has been using fake and fabricated documents for raising his claim for payment of wages.

11. This Court, while exercising the writ jurisdiction under Article 227 of the Constitution, would not use its discretionary powers in granting the relief sought for by the Petitioner in a case where the facts reflected from order Annexure P-12 issued by the Collector and the present Writ Petition being very explicit and petition being devoid of merits, the deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
J U D G E