

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 347 of 2015**

Smt. Vidya Dubey Retired Office Assistant Grade I, Aged about 60 years, W/o
Shri P.B.Dubey, R/o Tifra, Near DPS School, Bilaspur, Civil and Revenue District
Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. Managing Director, Chhattisgarh State Power Distribution Company Limited,
Seva Bhawan, Danganiya Civil and Revenue District Raipur, Chhattisgarh.
2. Regional Account Officer, Chhattisgarh State Power Distribution Company
Limited, Tifra Bilaspur, Chhattisgarh, Pin 495223
3. Manager (Human Resource) Chhattisgarh State Power Distribution Company
Ltd. Seva Bhawan, Danganiya Civil and Revenue District Raipur, Chhattisgarh.
4. Chief Engineer, Chhattisgarh State Power Distribution Company Limited Tifra,
Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Kishore Bhaduri, Advocate.
For Respondents	:	Shri Majid Ali, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****14/10/2015**

1. The present appeal arises from order dated 14.5.2015 dismissing Writ
Petition (S) No. 1881 of 2015.
2. The Appellant, who was suffering from Parkinsons disease, was given
invalid retirement from 27.7.2004. She came to this Court earlier in Writ
Petition No. 169 of 2006. Relevant for the present controversy is that she was
permitted to withdraw the writ petition for representing before the authorities
with regard to what was perceived as wrong calculation of retiral dues.

3. Learned Counsel for the Appellant submitted that the representation filed thereafter was rejected by order dated 12.3.2015 on the ground that no evidence had been submitted by the Appellant for her inability to attend work for medical reasons with regard to the period 16.5.2002 to 26.4.2004 because of which the Respondents treated the period as leave without pay in absence of any medical certificate. The ground is non est apparent from the order of the Respondents themselves dated 4.10.2004, that the Appellant was invalidated for the last five years and was not attending office for the past three years. It automatically encompasses the period mentioned in the order dated 12.3.2015. The Respondents have therefore wrongly excluded the period 16.5.2002 to 26.4.2004 for calculating her period of service after giving benefit of due leave for payment of retiral dues.

4. Learned Counsel for the Respondents disputing the contention invited our attention to paragraph 4 of the counter-affidavit filed by it in the earlier Writ Petition No. 169 of 2006.

5. We have considered the submissions and find that in paragraph 4 of the counter-affidavit in the earlier writ petition, the Respondents have clearly stated that the absence of 726 days from 2.8.2002 to 27.7.2004 was regularised as extraordinary leave without medical certificate as there was no leave due to the Appellant.

6. Considering the earlier rounds of litigation, we are of the opinion that the matter must now be given a quietus. We find no reason to interfere with the order under appeal.

7. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE