

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.302 of 2016

M.R. Kumeti, S/o Shri J.R. Kumeti, aged about 48 years, At present working at Pondum Higher Secondary School, Block Dantewada, District Dantewada (Chhattisgarh)

---- Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh) (Earlier mentioned as D.K.S. Bhawan)
2. The Commissioner (Appellate Authority), Tribal and Scheduled Caste Department, Raipur (Chhattisgarh)
3. The Collector, Dantewada, District Dantewada (Chhattisgarh)
4. District Project Coordinator, Rajeev Gandhi Shiksha Mission, Dantewada, District Dantewada (Chhattisgarh)

---- Respondents

For Appellant:	Mr. P.P. Sahu and Mr. Aditya Kumar, Advocates.
For Respondents/State:	Mr. Vinod Deshmukh, Dy. Govt. Adv.

Hon'ble the Chief Justice and
Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

Per Deepak Gupta, Chief Justice

18/07/2016

1. Heard on admission.
2. The appeal is admitted for consideration and heard with consent of the parties.
3. The services of the appellant were terminated after enquiry was held against him. The appellant filed an appeal and the

appellate authority held that the order of termination of service was very harsh and set aside the order of dismissal but imposed penalty of stoppage of five increments with cumulative effect upon the appellant. It was further ordered that the petitioner would not be entitled to any amount other than suspension allowance already paid to him, but the said period would be treated to be service for all other purposes. The appellate authority further ordered that the period from termination to reinstatement would not be counted towards service. The learned Single Judge set aside this order and directed as follows: -

“That part of the order of the appellate authority which directs that the period from termination till reinstatement be treated as break in service is set aside and it is directed that the entire period from suspension till reinstatement by the appellate authority shall be reckoned in the manner otherwise directed by the appellate authority.”

4. The appellant has filed this appeal in which the only prayer made is that the period from the date of termination till reinstatement in service should also be treated as period in service for all intents and purposes. The appellant does not claim back-wages for this period.
5. We are of the view that in fact, this relief has already been granted to the appellant by the learned Single Judge and we dispose of this appeal with a clarification that the entire period of suspension or the period when the appellant was out of

service due to termination shall be deemed to be period of service for all intents and purposes while calculating the pensionary and other benefits including seniority and pay fixation payable to him. However, it is made clear that the appellant shall not be entitled to any back-wages for this entire period except the suspension allowance which has already been paid to him.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge