

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.1206 of 2004

Shiv Prasad, S/o Rupan, aged about 44 years, R/o Village
 Biharpur, Post Latori, P.S. Jainagar, Distt. Surguja (C.G.)
 ---- Petitioner

Versus

1. S.E.C.L., Through Chief General Manager (P&A), Sipat Road,
 Bilaspur (C.G.)
2. Chief General Manager, Bishrampur Area, S.E.C.L.,
 Bishrampur, Distt. Surguja (C.G.)
3. Dy. Chief Personal Manager, Bishrampur Area, S.E.C.L.,
 Bishrampur, Distt. Surguja (C.G.)
4. Personnel Manager, Kumda Sub Area, S.E.C.L., Kumda.
 ---- Respondents

For Petitioner: Mr. A.N. Pandey, Advocate.
 For Respondents/SECL: Mr. Abhishek Sinha and Mr. Ghanshyam
 Patel, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/11/2017

1. The petitioner was declared medically unfit on 15-6-1985 and thereafter, his services were said to have been terminated. He remained unfit up to 8-3-1991. Thereafter, he was reappointed on 11/13-2-2003 on the settlement arrived between the SECL Employees' Association, SECL management and the petitioner. The petitioner accepted his reappointment and the condition of no work no pay for the period during which he remained absent. Now, the petitioner has filed writ petition that he is entitled for back-wages from 8-3-1991 to the date of

reappointment i.e. 8-7-2003 when he joined duties on reappointment.

2. Learned counsel for the petitioner submits that the petitioner is entitled for back-wages from 8-3-1991 to the date of reappointment i.e. 8-7-2003.
3. On the other hand, learned counsel appearing for the respondents opposed.
4. According to the petitioner's own assertion in para 5.3 of the writ petition, his services were terminated as he was found medically unfit and thereafter, subject to the terms in Form H, he was reappointed on the post of General Mazdoor Category-1 in primary pay scale with no work no pay for the period of absence and accordingly, order dated 7-7-2003 was issued. Form H was entered on 3-3-2003 and consequently, order dated 7-7-2003 was issued. It is a clear case of reappointment after termination of earlier service and therefore the petitioner is not entitled for back-wages from 8-3-1991 to 8-7-2003. Accordingly, the writ petition is dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge