

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6346 of 2017

- Dr. Manik Chatterjee S/o Late Shri C. L. Chatterjee, Aged About 64 Years Presently Working As Professor Anatomy Medical College, Raipur Chhattisgarh, R/o M43 Rajiv Nagar, Post Shankar Nagar Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Medical Education Department, D. K. S. Bhavan, Raipur Chhattisgarh
2. Director, Medical Education, Government Of Chhattisgarh, D. K. S. Bhavan, Raipur Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri N. K. Vyas, Advocate
Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/11/2017

1. In the present writ petition, the petitioner has claimed the following reliefs:-

“10.1 That, the respondent No.1 be kindly directed to decide the representation dated 09.11.2015 (Annexure-P-18) and the grievances of the petitioner with regard to granting promotion from the post of Associate Professor to Professor w.e.f. April 2003 be kindly allowed, the order dated 08.05.2008 by which the period from 23.10.1989 to 25.11.1991 for 2 years and 19 days have been declared as dies non be kindly quashed, the respondents have paid annual increment from 29.09.1992 to 29.09.2007 vide order dated 08.05.2008 without any interest as such the respondent be kindly directed to pay interest on the arrears which have been unnecessarily

withheld by the respondents.

10.2 That, the respondents be kindly directed to grant him monetary benefits of the post of Associate professor w.e.f. 05.04.1999 which has been granted vide order dated 02.05.2008.

10.3 Any other relief that the Hon'ble Court deem fit and appropriate may also kindly be granted in the interest of justice."

2. Learned counsel for the petitioner would submit that the pivotal issue, around which all other service disputes of the petitioner would hinge, is about declaration of the period from 23.10.1989 to 25.11.1991 as *dies non* despite the fact that during the said period, the petitioner was served with a charge sheet, which was later on withdrawn and no penalty was imposed upon the petitioner. He would further submit that the said withdrawal of the charge sheet was on account of the decision taken by the competent authority pursuant to the order passed by this Court in WP No.1973/2004, however, consequential order for regularizing this period was never issued. He would further submit that the petitioner is also deprived of pension and annual increments etc. mainly because of the above said issue of *dies non*.
3. Learned counsel would submit that for the present, the petitioner is willing to prefer a fresh detailed representation before the competent authority so that the issue can be first examined by the Department and thereafter, if the grievance subsists, the petitioner may again approach this Court.
4. Learned State counsel would submit that if the petitioner has not suffered any penalty, there is no reason why the Government should not consider the representation in accordance with law.

5. Considering the entire facts situation of the case, the writ petition is disposed of with direction that in the event, the petitioner prefers a detailed representation before the competent authority within a period of 15 days from today, the said Authority shall examine the matter concerning the grievances raised in the representation and pass a detailed and speaking order, at the earliest, preferably within a period of 8 weeks from the date of submission of representation.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Nirala