

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 579 of 2016**

Ravindra Kumar S/o Rajkishore Prasad, aged about 40 years, Assistant Grade-3 on daily wages, R/o Baigain Dabhar, Rampur, Korba, Qtr. 580A, Tehsil and District Korba, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Revenue Department, Mahanadi Bhawan, Naya Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Korba, District Korba, Chhattisgarh.
3. Rajat Kumar, Collector, Collectorate, PO & PS Korba, District Korba, Chhattisgarh.
4. Sub Divisional Officer, Korba, District Korba, Chhattisgarh.
5. Tehsildar, Kartala, District Korba, Chhattisgarh.
6. Shri B.R.Thakur, Tehsildar, at present posted at Pakhanjur, PO & PS Pakhanjur, District Kanker, Chhattisgarh.

---- Respondents

For Appellant : Shri Sanjay Patel, Advocate.
 For Respondent/State : Shri Arun Sao, Deputy Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****11/01/2017**

1. IA No. 1 of 2016, has been filed to condone delay of 336 days in filing the appeal. For the reasons stated in the application, delay is condoned and the appeal is taken up for hearing.
2. This writ appeal is directed against the judgment dated 04.11.2015 passed by a learned Single Judge of this Court in Writ Petition (S) No. 2319 of 2013.

3. It would be pertinent to mention that earlier, a writ appeal being Writ Appeal No. 688 of 2015 was filed against the judgment dated 04.11.2015 but the same was withdrawn with liberty to file a review petition. Review petition No. 72 of 2016 has also been dismissed on 03.11.2016. Hence, this appeal.

4. The case of the Petitioner is that in the year 1996, on the directions of the then Naib Tahsildar, Shri B.R.Thakur, he started working as Assistant Grade III and has continued to work on that post. In the year 2005, the Collector, Korba permitted him to work as Assistant Grade III.

5. The Petitioner filed a writ petition in the year 2012 being Writ Petition (S) No. 4335 of 2012 claiming arrears of pay for the period 1996 to 2005. This petition was disposed of vide judgment dated 27.09.2012 directing the Collector to consider and pass appropriate orders on the claim of the Petitioner within a period of six weeks. Thereafter, the Collector passed the impugned order. The Collector has held that the very basis of the allegations made by the Petitioner are wrong. He states that Shri B.R.Thakur was himself appointed as Naib Tahsildar only in the year 1997. Therefore, the case of the Petitioner that he was asked to work as Assistant Grade III by Shri B.R.Thakur in the year 1996, is apparently false. Not only that, according to the records, right from the year 1996 to 2005, in fact till 2012, the Petitioner had never raised a demand for arrears of salary.

6. It has also been found as a fact that the order dated 15.10.1996 stated to have been passed by Tahsildar is a forged order because the Tahsildar's signature on this document is forged.

7. This Court cannot believe that a person while working for 9 long years, that too as Assistant Grade III did not claim any salary. It is unbelievable that such person would not even raise a demand with his office or with his higher authorities that he is made to work without salary. The case of the Petitioner is totally based on back-door entry. The judgment in *Secretary, State of Karnataka & Others v.*

Uma Devi & Others {(2006) 4 SCC 1} squarely applies to such cases. Therefore, the case of the Petitioner that he is entitled to any salary was rightly rejected by the learned Single Judge.

8. We find no merit in the appeal which is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE