

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 331 of 2016

- Moolchand Morya S/o Shri Manmohan, aged about 72 years, Caste – Jatev (Scheduled Caste), Ex-Instructor, Training Cum Production Center (T.C.P.C.), Ambikapur, R/o Fundurdihari, Dhobipara, Police Station – Ambikapur, Distt. - Sarguja (C.G.).

---- Appellant

Versus

1. State of M.P. (Now Chhattisgarh), Through – the Secretary, Tribal Development Department, Mahanadi Bhawan, Mantralaya, Raipur (C.G.).
2. Commissioner, Tribal Development Madhya Pradesh (Now Tribal Development Chhattisgarh), Raipur (C.G.).
3. Assistant Commissioner, Tribal Development, Ambikapur, Distt. - Sarguja (C.G.).
4. District Organizer, Tribal Welfare, Ambikapur, Distt. - Sarguja (C.G.).

---- Respondents

For Petitioner	:	Shri Rishi Rahul Soni, Advocate
For State/Respondents	:	Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

30.01.2017

1. This writ appeal is directed against the judgment dated 17.02.2016 passed in W.P.(S) No. 1319/2005 by the learned Single Judge, whereby the writ petition filed by the petitioner has been dismissed.
2. The sole ground raised is that the entire service record of the appellant was not taken into consideration while passing the order of the compulsory retirement in terms of FR-56.
3. In the reply filed by the State, it has been stated that five years ACRs have been considered. This however does not mean that the record of the previous years was not considered. The service record does not mean only the ACR. Further more, it is a case where the appellant

proceeded on unauthorized leave and remained absent for more than one year. If he was to be punished, then obviously notice was required, but if an order of compulsory retirement in terms of FR-56 has to be passed in that case it has only to be seen whether the employee is fit to be continued in service or not. An employee who remains on unauthorized leave for one year, is not fit to be continued.

4. Therefore, we find no merit in the writ appeal. It is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE