

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 1575 OF 2009**

- Devendra Prasad Rawal, S/o Shri Chandrakant Rawal, aged about 60 years, Retired Accountant, Municipal Council, Mahasamund, R/o Main Road Mahasamund, District Mahasamunc (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Urban Development Department, D.K.S. Bhawan, Raipur (CG)
2. Joint Director, Urban Administration & Development, Raipur, Raipur & Bastar Division (Subhash Stadium, Motibag), Raipur (CG)
3. Municipal Council, Mahasamund, through Chief Executive Office, Mahasamund (CG)
4. Chief Municipal Officer, Municipal Council, Mahasamunc (CG)

... Respondents

For Petitioner	:	Mr. Himanshu Sinha, Advocate.
For Respondents 1 & 2	:	Mr. R.K. Gupta, Dy. Advocate General.
For Respondents 3 & 4	:	Mr. Sudeep Agrawal and Mr. Shashank Thakur, Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/09/2018**

1. The limited grievance in the present writ petition is the non-granting of the salary to the petitioner for the period from August, 2007 to January, 2008.
2. Contention of the petitioner is that the petitioner during the relevant point of time was working as an Accountant under the respondent no.3. He submits that he has in fact discharged the duties of Accountant during the said period yet he has not been paid salary for the said period.
3. Counsel for respondents no. 3 & 4 submits that the petitioner during the said period was asked by the Collector to discharge his duties at the Collectorate in respect of issuance of BPL Card and survey in the year 2007-08 and since the petitioner refused to do the said work assigned on the ground that he being an Accountant he is supposed to work under the respondent no.3 as an Accountant, he has not worked for the said period at the place of posting i.e. at the Collectorate, therefore, he has not been released the salary.

4. The same stand has also been taken by the State in their reply and the State Counsel submits that the said period has to be treated as unauthorized absence for the reason that he was assigned work at the Collectorate but he has not discharged the duties, therefore, it amounts to willfully abstaining from work for which he would not be entitled for the salary.

5. With this limited factual matrix of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending. Let respondent no.4 verify the records available in the office of the respondent no.3 as to whether the petitioner in fact has worked during the relevant point of time under the respondent no.3 or not and in case he has worked during the said period then he would be entitled for the salary for the said period. The respondents shall also be free to verify whether any order or a disciplinary action has been taken against the petitioner for the alleged unauthorized absence. In case there is no order for the said alleged unauthorized absence then also the petitioner would be entitled for the salary for the said period.

6. Let this exercise be concluded within 90 days from the date of receipt of certified copy of this order.

7. It shall be the responsibility of the petitioner to apprise the respondent no.4 so far as the order passed by this Court today is concerned.

8. The writ petition stands disposed of with the aforesaid observation.

**Sd/-
(P. Sam Koshy)
Judge**