

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 130 of 2018**

- Shiv Prasad S/o Late Rupan Aged About 57 Years R/o Village Biharpur Post Latori Police Station Jainagar District Surguja Now District Surajpur, Chhattisgarh.

---- Appellant**Versus**

1. South Eastern Coalfields Ltd. Through The Chairman Cum Managing Director Seepat Road, Bilaspur, Chhattisgarh.
2. The Chief General Manager, Bishrampur Area, SECL Bishrampur, District Surguja, Chhattisgarh.
3. Deputy Chief General Manager, Bishrampur Area SECL Bishrampur, District Surguja, Chhattisgarh.
4. The Personal Manager Kumda Sub - Area SECL Kumda, Chhattisgarh

---- Respondents

For Appellant	:	Shri A.N. Pandey, Advocate.
For Respondents	:	Shri R.K. Gupta, Standing Counsel.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****12.04.2018**

1. We have heard the learned counsel for the Appellant in this appeal against the judgment of the learned Single Judge which with an appeal stands seeking condonation of delay of 22 days in its institution.
2. The Appellant/Writ Petitioner was employed with SECL. He was declared medically unfit on 15.06.1985 and his services were terminated as a consequence of that. The matter was taken up by the Trade Union, espousing the cause of the employee. There was a settlement leading to Form-H decision

as between the Trade Union, the Appellant and the SECL. Resultantly, the Appellant was reappointed on 11/13.02.2003.

3. In 2004, he filed the writ petition claiming that he is entitled to pay and other benefits for the period till such re-appointment. The learned Single Judge, rightly, noted that the reappointment was as a consequence of settlement and one of the essential terms of the settlement was that from 15.06.1985, till re-employment, the Appellant will not be entitled to emoluments. The doctrine of no pay no work was specifically included in the terms of settlement which is reflected from Form-H which is produced alongwith this writ petition. We, therefore, do not see any infirmity or illegality in the judgment of the learned Single Judge having dismissed the writ petition.
4. The learned counsel for the Appellant however argued that the prior period of service is to be permitted to be reckoned even after the initial termination of service and that ought to be counted for promotion and other benefits. This plea does lie because termination of services results in the snapping of the jural relationship between the employer and employee for all intents and purposes. When re-appointment is made, the employee is not entitled to tag along the benefit of service, as if there was no termination. We see no room for an argument to that extent in this writ appeal.
5. In the result, this writ appeal is dismissed in limine.
6. In view of the above, no initial purpose would be served for condoning the delay. Hence, the application seeking condonation of delay is also dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge