

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2871 of 2018**

Hemant Kumar Nage (Jain) S/o Late Shri Shivdayal Nage (Jain), aged about 49 years, Occupation service, posted as Secretary Gram Panchayat Dhorkatta, Janpad Panchayat Koyalibeda P. S. Gondahur, District North Bastar- Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. Collector, Kanker, District North Bastar Kanker, Chhattisgarh
3. Deputy Director, Panchayat, North Bastar Kanker, District North Bastar Kanker, Chhattisgarh
4. Chief Executive Officer, Jila Panchayat, North Bastar Kanker, District- North Bastar, Kanker, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat, Koyalibeda, District North Bastar Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/04/2018**

The grievance of the petitioner is that the respondents are not taking into account the intervening period during which the petitioner's services stood terminated counting it as part of the length of his service for future benefits.

2. Facts of the case in brief are that the petitioner was initially appointed as a Panchayat Karmi on 23.02.1999. Thereafter, he was assigned the job of Secretary, Gram Panchayat, Hatkongra. Subsequently, the services of the petitioner were terminated vide order dated 04.11.2000. The said order of termination was subjected to challenge in a writ petition i.e. WP No. 1990 of 2002. The said writ petition ultimately stood allowed on 11.12.2013 wherein

the High Court held that the order of termination is bad in law and quashed the order of termination as also the order passed by the appellate authority against the order of termination. Subsequent to the order passed by the writ Court, the services of the petitioner were reinstated w.e.f. 25.01.2014. Though the petitioner's services have been reinstated, the respondents are not granting any benefit for the intervening period i.e. from the date of termination till the date of reinstatement.

3. Counsel for the petitioner submits that the authorities concerned were duty bound to treat the said period as a period spent on duty and they were also required to pass a specific order as to how this period has to be treated including whether the petitioner would be entitled for any monetary benefit or not.

4. Perusal of the record would show that the petitioner in this regard has already made a detail representation to respondent no.3. In the given facts, without expressing anything on the merits of the case it is ordered that respondent no.3 shall decide the representation of the petitioner as expeditiously as possible preferably within a period of 90 days from the date of receipt of certified copy of this order. Respondent no.3 shall also take into consideration the order of the High Court setting aside the order of termination as well as the order of the appellate authority while deciding the representation of the petitioner and shall pass a speaking order objectively deciding as to how the intervening period has to be treated.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE