

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2991 of 2018

Dayaram Sethiya S/o Shri Tulsiram Sethiya Aged About 43 Years
Occupation- Panchayat Karmi, Village - Panchayat Turenar, Block Jagdalpur
Tahsil - Jagdalpur , District Bastar R/o Village Kurandi, Block Jagdalpur ,
Police Station Turenar , District Bastar Chhattisgarh., District :
Bastar(Jagdalpur), Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary Panchayat And Social Welfare Department Mantralaya Bhawan New Raipur Chhattisgarh.
2. The Deputy Director Panchayat , Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
3. The Chief Executive Officer , Janpad Panchayat Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
4. The Sarpanch / Secretary Village Panchayat Turenar Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

-Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/05/2018

Heard.

1. Challenge is to order dated 29.06.2016 by which back wages has been denied to the petitioner on the application of principal of no work on pay.
2. The impugned order on the face of it in the teeth of order passed by this Court on 17.03.2016 in WPS No.5192 of 2012, wherein, the petitioner's grievance that he is not being allowed to work was duly appreciated by this Court with following observation :

"7. Since admittedly, in the present case, the petitioner is not allowed to function as Panchayat Secretary without there being any formal order of removal issued and served upon him and moreover, there is no indication that Rule 7 of Rules, 1999 was ever pressed into service and complied with for removing the petitioner, the writ petition deserves to be allowed."

3. On the aforesaid finding, the petition was allowed as below :

8. Accordingly, Gram Panchayat Turenar is directed to allow the petitioner to function as Panchayat Secretary of Village Turenar. The petitioner may file representation for grant of honorarium to the Deputy Director (Panchayat), Bastar, Jagdalpur. The said authority shall consider and decide the representation in respect of back wages within a period of three months from the date of submission of representation.

4. The petitioner's prayer for back wages has been rejected by respondent No.2 by observing that as the petitioner did not work, he is not entitled to pay in respect of period intervening when he was not working.

5. The order of the Deputy Director apart from being illegal is also contrary to the order passed by this Court and has the effect of overreaching the judicial order. The impugned order is therefore quashed. The petitioner shall be entitled to honorarium during the period he was not allowed to work.

6. The petition is allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge