

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3236 OF 2018**

Smt. Firoj Begum, W/o Shri Mustak Ali, aged about 49 years, R/o Nurani Chowk Thankhamhariya, near Jamamasjid Block Saja, District Bemetara (C.G.)

... Petitioner

versus

1. State of Chhattisgarh, through Secretary, Department of Urban Administration and Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)

2. Director, Directorate of Panchayat, Chhattisgarh, Raipur, Dist. Raipur (C.G.)

3. Chief Municipal Officer, Nagar Panchayat, Thankhamhariya, Block Saja, District Bemetara (C.G.)

... Respondents

For Petitioner : Mr. Ajay Shrivastava, Advocate.

For Respondent-State : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/04/2018

1. The limited grievance of the Petitioner in the instant case is that the Petitioner, who was working as Shiksha Karmi (Grade-III) at Nagar Panchayat, Khamhariya, for medical reasons on account of serious ailment could not attend duties between 5.2.2013 to 16.4.2017. Subsequently, on recovery from his ailment the Petitioner reported for duty on 17.4.2017 but the higher authorities of the department did not granted the Petitioner joining. Though the Petitioner made repeated representations in this regard but the Respondents have not paid any heed to the request of the Petitioner.

2. Contention of the learned Counsel appearing for the Petitioner is that the Respondents have not proceeded against the Petitioner departmentally and that there is no suspension or charge-sheet or departmental enquiry issued or pending against the Petitioner and thus prayed for a direction to the Respondents for permitting the Petitioner to resume the duties.

3. Learned Counsel for the State however opposing the petition submits that there is a huge unexplained unauthorized absence of the Petitioner for a period of about 4 years and therefore the Petitioner would not be entitled for an automatic resumption of duties on his reporting.

4. Given the facts and circumstances of the case, let Respondent No.1 take an appropriate decision in the case of the Petitioner so far as his joining is concerned. Since even today as the position stands that the Petitioner remains on the roll of the Respondents as Shiksha Karmi (Grade-III) and that his service has not been terminated neither is he under suspension, this Court does not find any good reason not to grant joining to the Petitioner.

5. Accordingly, it is directed that the Respondent No.1 shall issue an appropriate order in this regard. Needless to mention that the Respondents would also be free to take appropriate action against the Petitioner departmentally for his unauthorized absence of 4 years in the intervening period.

6. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge