

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 609 of 2018**

Sagun Ram Hirwani S/o Shriram Chandra Hirwani Aged About 65 Years Retired Lecturer R/o Village Gokna, Police Station- Gandai, Civil And Revenue District Rajnandgaon Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through its The Secretary School Education Department Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through The Secretary Pension Committee, Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
3. The Director Lok Shikshan Sachanalay Indrawati Bhawan New Raipur District Raipur Chhattisgarh.
4. The District Education Officer, Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Respondents

For Appellant	: Shri Ravi Maheshwari, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****31/10/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the Appellant and the learned Government Advocate.
2. Appeal is preferred against the order dated 03.05.2018 passed by the learned Single Judge since the writ application was dismissed.
3. The Appellant was working as a Head Master at Government Higher Secondary School, Ataria Road, Block Chhuikhadan, District Rajnandgaon. He claims that he was promoted to the post of Lecturer vide order dated 19.07.2012 and came to be posted at Government Higher Secondary School, Thandhar, Block Chhuikhadan, District Rajnandgaon. The order of promotion subsequently was withdrawn and before the same could be challenged, he superannuated on 31.01.2014. Since after withdrawal of the order of promotion, he did not work anywhere, he was put under suspension and remained so between 13.02.2012 to 13.09.2012. He was given a place of posting but keeping in mind his superannuation was round the corner i.e. 31.01.2014, he chose not to comply with the same.

4. In an earlier round of litigation when a writ application was filed, it was disposed off with a direction to the Appellant to move the High Power Pension Committee. The High Power Pension Committee considered the claim of the Appellant by examining all the inputs and materials including the service record and passed an order dated 25.06.2015, which is available as Annexure P/7 to the writ application.
5. When the appeal was taken up, an impression was sought to be created that after the Appellant was put under suspension, he superannuated on 31.01.2014 during the period of suspension itself. That is the reason we directed the State authorities to file their return and clarify the position. From the return, the facts stated by the Appellant does not seem to be correct. The suspension period remained between 13.02.2013 to 13.09.2013 and thereafter he was given a place of posting, which he never joined.
6. On a closer questioning, counsel for the Appellant submits that he had given a representation because his retirement was due in January and he continued to work at the earlier place of posting.
7. It is an unacceptable position not supported by any service jurisprudence that mere pendency of representation can become the reason for non-compliance of the orders and directions of the superior authority.
8. The order of the learned Single Judge does not require any interference as the same does not suffer from any infirmity.
9. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE