

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4525 of 2018**

Pankaj Pandey S/o Late Shri B.P. Pandey, Aged About 48 Years R/o Street No. 07, House No. 7, Ward No. 27, Dr. Bheem Rao Ambedkar Ward, Mova, Raipur, Police Station Mova, Tahsil And District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Jail And Correctional Services, Mahanadi Bhawan, Mantralaya P.S. And Post Rakhi, Naya Raipur, District Raipur Chhattisgarh.
2. Director General (DG), Head Quarter, Jail And Correctional Services, Chhattisgarh, Raipur Chhattisgarh.
3. Jail Superintendent Central Jail - Durg, District Durg Chhattisgarh
4. Jail Superintendent, Sub Jail, Dongargarh, District Rajnandgaon Chhattisgarh.
5. Jail Superintendent, Central Jail Jagdalpur, District Bastar Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/08/2018**

1. The grievance of the petitioner in the present writ petition is for a direction to the respondents for releasing the salary of the petitioner from 21.12.2016 onwards till date.
2. The facts leading to the present writ petition is that the petitioner while working as an Assistant Jail Superintendent at Sub Jail Dongargarh, District Rajnandgaon was placed under suspension on 27.06.2015. Subsequently, the order of suspension stood revoked vide order dated 27.02.2016 and the petitioner stood posted to the Sub Jail Bijapur as Assistant Jail Superintendent, where the petitioner accordingly gave his joining on 03.03.2016. However later since he fell ill, he proceeded on leave and resumed his duties only on

21.12.2016. The said period between 03.03.2016 to 21.12.2016 has till date not been regularized nor has there been an order passed so far as regulating the said period. However since the petitioner is discharging his duties from 21.12.2016 onwards uninterruptedly, the petitioner is entitled for the salary that he is otherwise entitled for and there is already a direction by the respondent No.2 to the respondent No.4 for immediately releasing the salary of the petitioner as is evident from Annexure P/6 dated 18.04.2016. Yet according to the counsel for the petitioner, till date he has not been paid any salary.

3. Given the aforesaid factual matrix of the case, which is not in dispute, the writ petition itself stands disposed of with a direction to the respondent No.2 subject to verification to ensure that necessary instructions are issued to the respondent No.4 ensuring the immediate release of the salary of the petitioner from 21.12.2016 till date without any further delay within an outer limit of 60 days from the date of receipt of the copy of this order.
4. We make it clear that this Court has not expressed any opinion as to how the period between 03.03.2016 to 21.12.2016 has to be treated, that part would be dealt with by the competent authority according to the service Rules governing the service conditions of the petitioner.
5. The writ petition accordingly stands allowed and disposed off.
6. It shall be the duty of the petitioner also to appraise the respondent No.2 so far as the order passed by this Court is concerned.

Sd/-
(P. Sam Koshy)
Judge