NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3907 of 2015

Fanesh Kumar Sahu S/o Mansha Ram Sahu, Aged About 39 Years R/o Village And Post Rampur, Tahsil Kurud, Civil And Revenue District Dhamtari Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, Chhattisgarh, Chhattisgarh

2. Director, Directorate, Panchayat Avam Samaj Kalyan, Raipur, Civil And Revenue District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

3. Collector, North Bastar, Kanker, Civil And Revenue District North Baster, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

4. Chief Executive Officer, Zila Panchayat, North Batar, Kanker, Civil And Revenue District North Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner : Mr. Kunal Das, Advocate.

For State : Mr. Ramakant Mishra, Dy. A. G.

For Res. No. 4 : Mr. Atanu Ghosh, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

08/05/2018

1. This petition is filed by the petitioner for direction to respondent No. 4 to reinstate the petitioner in view of various orders passed by the Director in appeal.

2. Learned counsel for the petitioner would submit that against the order of termination the petitioner has preferred an appeal before the Commissioner successfully the order of termination was set aside way

back in the year 2010, though respondent No. 4 preferred an appeal before the State Government, the State Government dismissed the same holding that the there is no provision for second appeal. Despite the dispute having attained finality, respondent No. 4 is not reinstating the petitioner, therefore, the petitioner filed this petition.

3. Learned State counsel, Dy. AG states that it was obligatory on the part of respondent No. 4 to comply with the order passed in the appeal and reinstate the petitioner.

4. Learned counsel for respondent No. 4 submits that order passed by the Court would be complied with.

5. Present case is a classic example of complete disrespect to the rule of law and dereliction of duties by respondent No. 4. Despite there being an order passed in favour of the petitioner which had attained finality after dismissal of the appeal by the State Government way back in the year 2011, the petitioner has to approach the Constitutional Court only in order to seek direction to enforce the order passed in the appeal by the Commissioner, Respondent No. 4 has not justification whatsoever for not complying with the order passed in appeal.

6. Respondent No. 4 is, therefore, directed to reinstate the petitioner forth with. The petitioner would be entitled to salary for the entire period during which he remained out of employment including the period after the order was passed by the appellate authority and the State Government.

7. This is an appropriate case where this Court is inclined to issue direction to the State to initiate disciplinary action against respondent No. 4 for dereliction of duties not only in disrespecting the rule of law but also in sitting over the matter which has attained finality on judicial side. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rohit