

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 5141 OF 2016**

Md. Raihaan, S/o Nazir Md. Qureshi, age about 31 years, R/o Sharda Chowk, Akaltara Road, Janjgir-Champa (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Education Department, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, District Raipur (CG)
2. The Commissioner, Nagar Palik Nigam Korba, District Korba (CG)
3. Block Education Officer, Korba, District Korba (CG)
4. The Head Master, Primary School, Sitamani, Korba, District Korba (CG)

... Respondents

For Petitioner	:	Mr. Ramakant Pandey, Advocate.
For Respondent No.2	:	Mr. B.D. Guru, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/09/2018**

1. Case of the petitioner is that the petitioner now having approached the respondent authorities for joining, the same is not being provided to him.
2. Facts of the case are that the petitioner was issued with an order of appointment on 15.2.2012 on the basis of which the petitioner reported for duty on 28.2.2012. After joining duties from the next day, the petitioner remained absent from duty with effect from 2.3.2012 onwards, the petitioner had worked only on 28.2.2012 and 1.3.2012.
3. According to the petitioner, he under compelling circumstances was not in a position to report for duty and that finally he reported for duty on 29.1.2016 by giving a letter to the respondents in this regard which till date has not been accepted by the respondents.
4. Perusal of the documents enclosed along with the reply would show that the respondents on 18.3.2013 had issued a letter to the petitioner seeking explanation for his long continuous unauthorized absence and failing which the respondents would initiate disciplinary action against the petitioner. But, no further development has taken place on the disciplinary

proceeding neither did the petitioner give any reply to the said notice, Annexure R-2/3.

5. Given the fact, it appears that no final order has been passed so far as the service of the petitioner is concerned. Unless the service of the petitioner has been terminated, for all practical purpose, he continues to be on the rolls of respondent as an employee. Under the circumstances, the petitioner would have to be given joining by the respondents however for the intervening period of unauthorized absence they would have the liberty to initiate disciplinary proceeding as has been envisaged vide Annexure R-2/3, dated 18.3.2013. Reserving the right of the respondents to initiate appropriate disciplinary proceeding for the unauthorized absence, the respondents are directed to consider the case of the petitioner for grant of joining immediately.

6. The writ petition stands allowed and disposed of accordingly.

**Sd/-
(P. Sam Koshy)
Judge**