

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6475 of 2018**

S.R. Bairagi S/o P.R. Bairagi Aged About 54 Years R/o Ganga Nagar, Phase II, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar (Naya Raipur), Chhattisgarh.
2. Additional Chief Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar (Naya Raipur), Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Jagdalpur, District Bastar Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Vaibhav Singh, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/10/2018**

1. There are two reliefs sought for by the petitioner in this case, first is for grant of the salary for the period between August, 2016 to January, 2017.
2. According to the petitioner, though he was prosecuted for an offence under the Prevention of Corruption Act, but he was on bail and he was in fact working with the department during the said period till he was finally convicted vide judgment dated 30.01.2017. He submits that during the said period i.e. for August, 2016 to January, 2017, the petitioner has not been paid the salary.
3. The second relief sought for is for the grant of leave encashment. So far as the leave encashment is concerned, that would not be a question to be decided at this stage, as the petitioner is still in

service and he has not crossed the age of superannuation also. The said relief can be considered subject to the outcome of the criminal appeal against the judgment of conviction.

4. So far as the salary for the period August, 2016 to January, 2017 is concerned, this Court does not intend to keep the writ petition pending. Let the respondent No.3 under whom the petitioner had worked during the said period, verify the fact, whether the petitioner in fact had physically worked in the department for the said period between August, 2016 to January, 2017 and if it is found that he has actually worked, then the petitioner would be entitled for the salary of that period, which cannot be refused to him.
5. Given the said facts, the writ petition stands disposed off at this juncture with a direction to the respondent No.3 to verify and pass an appropriate order in the light of the observations made in the preceding paragraphs.
6. Let this exercise be concluded at the earliest preferably within a period of 60 days. The petitioner is directed to promptly bring the order of this Court to the notice of the respondent No.3.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved