

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6698 of 2018

Sanjeev Sharma S/o Late R.P. Sharma, Aged About 55 Years, R/o Kushwaha Marg, Shanti Nagar, Jagdalpur, District Baster Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Urban Administration Department, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh.
2. Joint Director, Urban Administration And Development, Baster-Division, Jagdalpur, District Baster, Chhattisgarh.
3. Chief Municipal Officer, Nagar Panchayat, Geedam, District South Baster, Dantewada Chhattisgarh.

---Respondents

For petitioner	:	Shri Somkant Verma, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/10/2018

1. In the instant Writ Petition, the petitioner was working on the post of Revenue Inspector and while working on the said post, the petitioner went on leave on 05/11/2005 and thereafter according to the petitioner since he was not well during the period, he could not attend his duties and has gave his joining in the year 2012 and thereafter again he gave joining on 17/09/2014 which too has not been acted upon by the respondents. That in between the Nagar Panchayat, Geedam has passed a resolution for taking back the services of the petitioner by treating the intervening period as "no work no pay", in spite of that the petitioner has not been given any joining.

2. The State counsel however opposing the petition submits that, the petitioner right from 2005 till date has remained absent from duty and has not assumed his duties and that it is a period of well over 13 years and if 2014 is to be accepted i.e. the day when he has reported for joining, even then the petitioner remained unauthorizedly absent for a period well over 9 years without any justifiable reasons or approval or sanction from the authorities in the department and therefore submits that the petitioner would not be entitled for any relief.

3. Be that as it may, since it appears that no formal order has been passed against the petitioner by the respondents, the period could only be considered as unauthorized absent till the final order is passed by the respondents and until the final order is passed, the petitioner for all practical purposes has to be presumed to be on the rolls of the respondents.

4. Under the circumstances, let the respondents No.2 & 3 whoever the concerned officer would be take an appropriate decision on the claim of the petitioner so far as his joining is concerned and would also pass necessary instructions as to what has to be done for the period of unauthorized absent.

5. Let the petitioner make a fresh detailed representation in this regard supported with all relevant documents within a period of 15 days from today and on receipt of such representation, let appropriate order be passed by the respondents No. 2 & 3 within a period of 60 days thereafter.

6. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE