

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 2164 of 2019

Sushila Pandey W/o Shri Bharat Pandey Aged About 30 Years R/o Village Podikala, Tahsil And Japad Panchayat, Takhatpur, District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat, And Rural Development Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Collector Bilaspur District Bilaspur Chhattisgarh.
3. The Chief Executive Officer Zila Panchayat Bilaspur Chhattisgarh.
4. The Chief Executive Officer Zila Panchayat, Takhatpur, District Bilaspur Chhattisgarh.

---Respondents

For petitioner	:	Ms. Astha Shukla, Advocate.
For Respondent/State	:	Shri, P. Acharya P.L.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

27/03/2019

1. Though the petitioner had sought for a couple of relief through the present writ petition, but on due consideration, The counsel for the petitioner fairly submits that she would confine her relief to the first part of clause 10.2 of the relief clause i.e. to count the service of the petitioner for the intervening period during which the petitioner was out of employment.
2. The fact of the case is that, the petitioner was appointed as Rojgar Shayak (Employment Assistant) vide order dated 13.02.2008.

Subsequently, the petitioner was involved in a case for which he was prosecuted before the Lok Pal, the petitioner was removed from service only on the ground of his being involved in the said case.

3. Later on, the petitioner stood acquitted by the Lok Pal vide order dated 14.07.2016. Thereafter, the petitioner approached the authorities in the department for reinstatement. The Commissioner, Bilaspur vide his order dated 05.10.2016 also entertained the application of the petitioner and gave an appropriate direction to the Collector, Bilaspur for taking steps for reinstating the petitioner, yet the petitioner was not reinstated which led to the petitioner finally filing a writ petition before the High Court challenging his removal order dated 04.03.2014 vide WPS No. 383 of 2017. The said writ petition finally was allowed on 09.05.2017 and this High Court allowing the writ petition ordered for termination to be set aside.
4. Pursuant to the said order of the writ Court it is said that the petitioner has since been reinstated in service.
5. The petitioner now has filed the writ petition seeking for a direction to the respondents to count the intervening period as period spent on duty in the light of order of termination being set aside by the High Court vide order dated 09.05.2017.
6. Though, the petitioner has also sought for other monetary relief, but subsequently the Counsel for the petitioner confines her claim seeking only grant of continuity of service for the intervening period .

7. The State Counsel on due verification of the fact does not dispute the factual matrix of the case in as much as the petitioner being removed from service on account of his being involved in a case before the Lok Pal and finally Lok Pal passing an order of acquittal in favour of the petitioner and further this High Court also allowing the writ petition that the petitioner had preferred setting aside the order of termination.
8. Given the aforesaid facts and circumstances of the case , this Court is of the opinion that in the light of termination order dated 14.03.2014 being quashed / set aside by the High Court in WPS 3858 of 2017 vide judgment dated 09.05.2017, this Court has no hesitation in holding that since the order of termination has been quashed by the High Court, the effect would be that the order of termination does not exist at all and for all practical purposes, the intervening period during which the petitioner was out of employment i.e. from the date of removal dated 04.03.2014 till he has been reinstated back in service would be treated as period spent on duty.
9. The petitioner would be entitled for all benefits of continuity of service for the said period except for any monetary benefit.
10. The writ petition accordingly stands allowed in part and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Jyoti