

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1935 of 2019

Ajay Kumar S/o Shri Dilip Kumar Aged About 58 Years Through His Daughter Ku. Ritu Daughter Of Ajay Kumar, Aged About 25 Years R/o M- 699, Adarsh Nagar, Kusmunda, Ward No. 55, District Korba Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Police Station Sarkanda, District Bilaspur Chhattisgarh.
2. General Manager (Mining) South Eastern Coalfields Limiteds, Kusmunda Project, Kusmunda Colliery, District Korba Chhattisgarh.
3. Mines Manager, South Eastern Coalfields Limiteds, Kusmunda Limited Kusmunda Colliery, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Prafull N. Bharat, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/03/2019

1. The limited grievance, which the petitioner has raised in the present writ petition is that the petitioner on account of his medical ailment has not been able to attend his duties from September, 2018 and is undergoing treatment from a hospital at Bombay.
2. The grievance of the petitioner is that though he has got medical leave in his credit and the petitioner being 70% blind, is unable to attend his duties, the petitioner's claim for salary for the intervening period be considered and granted.

3. The counsel for the respondents however submits that it is a case where perhaps on account of certain disciplinary proceedings initiated against the petitioner, the salary part has not been finalized.
4. Be that as it may, taking into consideration the limited prayer that the petitioner has made, let the respondent No.2 take a decision in respect of the claim for salary made by the petitioner at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order.
5. While deciding the same, the respondent No.2 would consider the aspect that as long as the petitioner's service is not terminated by the Department, for all practical purposes he would stand as an employee in rolls of the respondents. The petitioner, under the circumstances, would also be entitled for all other benefits, which he is otherwise entitled for under his service regularizations.
6. It is expected that the authorities would take a decision purely in accordance with the service rules governing the field, so far as his entitlement of salary is concerned.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved