

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5254 of 2019

1. Smt. Sashiprabha Jain, Wd/o Late Shri S.K. Jain, Aged About 73 Years, R/o Raheja Apartment, Awanti, Vihar, H-401, Labhandi Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water, Resources Department, Manatrlaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Engineer In Chief, Mahanadi Pariyojna, Raipur, Chhattisgarh
3. The Chief Engineer, Water Resources Department, Civil Lines, G.E. Road, Raipur Chhattisgarh
4. The Superintendent Of Engineer, Water Resources Division, Bilaspur, Chhattisgarh
5. The Executive Engineer Ma. Ja. Pa. Disnet Division No. 3, Tilda District Raipur Chhattisgarh
6. State Of M.P. Through Secretary, Water Resources Department, Mantralaya Vallabh Bhawan, Bhopal Madhya Pradesh

---Respondents

For Petitioner	:	Mr. P. R. Patankar, Advocate.
For State	:	Mr. P. Acharya, Panel Lawyer.

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

22.07.2019

1. The Default pointed-out by the Registry as of now stands ignored.
2. The limited grievance that the petitioner has sought for in the present Writ Petition is for a direction to the Respondents to ensure that the

Order passed by this Court in WPS No. 3886 of 2005, decided on 30.10.2005 is complied with in its letter and spirit.

3. The issue revolves around on the period of *dies non* inflicted upon the deceased employee, namely Shri Shripal Kumar Jain. The order of *dies non* was challenged before this Court in the aforementioned writ petition. The Writ Petition was allowed on 31.10.2005. Since after the writ petition was allowed, it was required for the respondents to have ensured that the period which was declared as *dies non* be regularized in the service records of the petitioner and he be granted all monetary benefits that were attached to the pay which have not been granted to the deceased employee and which now would be payable to the present petitioners. The documents enclosed along with the writ petition shows that, the respondents are finding it difficult to comply with the order on account of some alleged incident of fire, in which the records belonging to the deceased employee has been lost.
4. This stand by the State Government now is not acceptable in compliance of direction /order passed by this Court, so far as the documents or records of the deceased having been lost in fire is concerned. There are so many other ways for reconstructing the records of the deceased employee. The Department could get the record available from the Office of Accountant General or from the Office of Provident Fund Department or from the other offices, wherever the petitioner was posted from the initial time. Even if, thereafter the State Government finds it difficult, the State Government may take the service records of the persons,

immediately junior to the deceased employee on the post that he was holding during the relevant period and grant him the benefits as attached to the said post.

5. Let this exercise be completed by the Respondent No. 2 to 5 at the earliest, preferably within a period of 4 months from the date of receipt of Certified Copy of this Order.
6. The present Writ Petition, accordingly stands disposed off.

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