

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 161 of 2019**

Ramesh Kumar Mohbe S/o Late Lakhan Lal Mohbe Aged About 57 Years
R/o Ward No. 1, Soni Mohalla, Khairagarh, Post Khairagarh, District-
Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Panchayat And Rural, Mahanadi Bhavan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Block Development Officer (Chief Executive Officer) Janpad Panchayat, Khairagarh, Post Khairagarh, District- Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

----Respondents

For Petitioner	:	Mr. H.B. Agrawal, Sr. Advocate along with Ms. Shefali Arora, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/09/2019**

1. The claim of the petitioner in the present writ petition is for a grant of regular pay-scale from 06.03.2019 and also for the release of back-wages in terms of the award of the Labour Court dated 20.07.2004 passed in Case No. 2/I.D. Act (Reference)/2002.
2. So far as the grant of regular salary is concerned, according to the petitioner the Department pursuant to the order passed by this Court in WPS No. 2519/2018 has regularized his services vide order dated 05.03.2019 and based on the said order, the petitioner has given his joining on 06.03.2019. The contention of the petitioner is that from 06.03.2019 the petitioner is continuously and uninterruptedly working as a regular employee in the Department, but till date he has not been paid any salary whatsoever. He has also made repeated representations in this regard, which also has not been considered by the respondents.

3. Given the aforesaid facts, this Court is of the opinion that once if there is an order of regularization dated 05.03.2019 and based on which the petitioner has given his joining on 06.03.2019 and if the petitioner is thereafter continuously discharging his duties as a regular employee, this Court does not see any good reason why the petitioner should be deprived of his regular salary or the salary for which he is otherwise entitled for.
4. Let the respondent No.2 take all necessary steps ensuring the release of the salary to the petitioner without any further delay after due verification of the fact, whether the petitioner has given his joining on 06.03.2019 and whether the petitioner has been discharging his duties on the said post or not. Let this exercise be completed within a period of 45 days from the date of receipt of the copy of this order.
5. So far as the direction for release of the back-wages part is concerned, this Court is not inclined to entertain the writ petition on that relief for the reason that the award pursuant to which the back-wages is being claimed, is one which has been passed on 20.07.2004. The petitioner had all the options opened for getting the said order executed in the span of 15 years time from the date the award has been passed. The High Court cannot be converted into an Execution Court of the award passed by the Labour Court.
6. Reserving the right of the petitioner, if law permits for availing the remedies available under the statute for execution of the award of the Labour Court, the said relief claimed for by the petitioner stands rejected by the High Court in the present writ petition.

7. With the aforesaid observations the present writ petition stands partly allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved