

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5766 of 2019**

Nagraj Mandavi S/o Late Shri Perumal Mandavi, Aged About 58 Years, Occupation Service, Working As Ranger, R/o Forest Colony, Farasgaon, District Kondagaon, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Mantralaya New Raipur, Police Station Rakhi, District Raipur, Chhattisgarh
2. The Deputy Secretary / Under Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, New Raipur Police Station Rakhi, District Raipur, Chhattisgarh
3. The Principal, Chief Conservator Of Forest Chhattisgarh, Raipur Chhattisgarh
4. The Chief Conservator Of Forest, Forest Circle, Raipur Chhattisgarh

**---- Respondents**


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| For Petitioner | : | Mr. D. N. Prajapati, Advocate |
| For State      | : | Mr. Jitendra Pali, Dy. A.G.   |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****06.08.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 17.10.2018. Vide the impugned order the respondents have cancelled the order of compulsory retirement dated 12.09.2017 and

taken back the petitioner into service. However, the intervening period has been held as “No work no pay” and the petitioner has been denied for the benefit that he would have got had he remained in service during the intervening period.

2. The facts of the case are that the petitioner was working as a Ranger in the forest department. The respondents had placed the services of the petitioner on compulsory retirement vide order dated 12.09.2017. The order of compulsory retirement was challenged before this Court in WPS No. 5310/17. Pending the writ petition, the State Govt. constituted a High Level Committee challenging the order of compulsory retirement. This Court referred the case of the petitioner before the said Committee vide order dated 17.05.2018. The Committee, in turn after due scrutinizing of the case of the petitioner, found that the order of compulsory retirement was erroneously passed and thus recommended for recalling of the same. The impugned order Annexure P-1 was thus passed taking the petitioner back in service but for the intervening period it was held that the petitioner would not be entitled for any monetary benefit in applying the principle of “No work no pay”. It is this order of holding the intervening period as “No work no pay” which is under challenge in the present writ petition.
3. Counsel for the petitioner produced before this Court a judgment of the Hon'ble Supreme Court dated 09.12.2017 passed in Civil Appeal No. 11325 of 2011 in the case of Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Limited and others which has been decided

under similar facts and circumstances. He submits that the petitioner has already made a detailed representation before the respondent no.1 based on the said judgment of the Supreme Court. He further submits that the respondent no.1 may be directed to consider the representation of the petitioner keeping in view the judgment of the Supreme Court in the case of Shobha Ram (supra).

4. The State counsel does not have any objection to the said limited prayer.
5. Given the facts and circumstances of the case, the writ petition stands disposed of with a direction to the respondent no.1 to decide the claim of the petitioner so far as grant of wage and consequential benefits for the period he was out of employment by virtue of the illegal order of compulsory retirement is concerned. The respondent no.1 while deciding the claim of the petitioner shall take note of the judgment of the Supreme Court in the case of Shobha Ram Raturi (supra). Respondent no.1 shall take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

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