

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4706 of 2015

Subodh Shukla S/o Shri Shankar Shukla, Aged About 32 Years R/o
Nayapara, Jagdalpur, District Bastar Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Bastar, District Bastar, Chhattisgarh
3. The Principal, Government Higher Secondary School, Lohandiguda, Bastar, District Bastar, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Santosh Bharat, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/02/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner vide Annexure P/1 dated 27.11.2010 was appointed as a Lecturer Panchayat (Shiksha Karmi Grade-I).
2. Pursuant to the order of appointment, the petitioner gave joining on 04.01.2011 and worked for two days i.e. on 4th as well as on 5th of January, 2011. Thereafter, he disappeared and has till date not joined his service.
3. According to the petitioner, he remained absent on account of his illness and that after recovering from ailment, the petitioner reported for duty somewhere in the year 2013, but the respondents have till date not granted joining to the petitioner and therefore has filed this writ petition for an appropriate direction.

4. The respondents have filed their reply and in their reply, the respondents have submitted that the petitioner in fact substantively is an employee under the respondent No.2 and from the record, it appears that he had worked for only two days on his being appointed and thereafter he has left his place of employment without any proper approval, sanction or intimation to any of the superior authorities and therefore the petitioner at this belated stage may not be entitled for joining, as it appears that the petitioner himself had deserted his joining at one point of time.
5. Be that as it may, undisputedly the petitioner has an order of appointment in his favour vide order Annexure P/1 dated 27.11.2010. The record also shows that from the correspondences made by the Department the petitioner had given his joining on 04.01.2011 and had worked for two days i.e. on 04.01.2011 and 05.01.2011,
6. If the petitioner, thereafter i.e. from 06.01.2011 has remained unauthorizedly absent for a considerable period of time, it was the responsibility of the respondent No.2 and other concerned officers to take appropriate steps/action against the petitioner.
7. The contention of the petitioner is that till date he has not been served with any order of punishment or an order discontinuing his employment or an order terminating from service.
8. Given the aforesaid facts and circumstances of the case, since there does not seem to be any order of termination of service of the petitioner, for all practical purposes, the petitioner would remain on the rolls of the respondents unless a specific order has been passed terminating his service.

9. In case, if the petitioner is able to produce cogent and sufficient material justifying his absence and which was beyond his control and during which period, it was not practically possible for him to report for duty, the authorities are supposed to take an appropriate decision on the said request made by the petitioner.
10. Given the said facts, this Court is of the opinion that ends of justice would serve if the respondent No.2 is directed to take an appropriate decision in respect of the service of the petitioner in accordance with the rules and regulations governing the field and also taking into consideration the observation made in the previous paragraph of this order, at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.
11. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge