

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6125 of 2019

Dr. N. S. Patel S/o Late H.S. Patel Aged About 67 Years Retired Assistant Veterinary Surgeon, R/o 03 Adarsh Nagar, Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Agriculture And Animal Husbandry, Mantralaya, D.K.S. Bhawan Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary, Department Of Agriculture And Animal Husbandry, Mantralaya, D.K. S. Bhawan, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Department Of Animal Husbandry, Mantralaya, D.K. S. Bhawan, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Swajeet Singh Ubeja, Advocate
For State	:	Mr. Ayaz Naved, G.A.

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

14/08/2019

1. The challenge in the present writ petition is substantively to the impugned order Annexure P/1. Vide the said order, the respondents have ordered that the period of absence between 23.12.2003 to 20.04.2004 and between 21.04.2004 to 26.07.2004 toling 216 days is treated as "No Work No Pay".
2. Considering the entire factual matrix of the case, particularly the undisputed fact of the petitioner remaining absent during the aforesaid period and also taking note of the directives given by this Court in WPS No. 4922/2010 decided on 03.11.2015, this Court is of the opinion that the impugned order Annexure P/1 does not warrant any interference at this stage.

3. At this juncture, counsel for the petitioner submits that since the petitioner has retired w.e.f. 30.05.2018, till date he has not been received with any retiral benefits and has also moved an interim application in this regard.
4. Considering the fact that it is more than one year that the petitioner has retired and the Department now having taking a decision of treating the intervening period as “No Work No Pay” which would mean that the period of absence for all practical purposes would be treated as continuous in service without the petitioner being entitled for any actual monetary benefits for the said period.
5. The respondents are directed to immediately process the case of the petitioner so far as releasing of the entire retiral benefits including the pensionary benefits that the petitioner is entitled for. It is expected that the respondents shall take a decision at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order. The petitioner also is expected to cooperate with the respondents by completing all the requisite formalities enabling him to obtain the retiral benefits.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved