

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6392 of 2019**

Sandeep Maheshwari S/o - Ram Singh, Aged About 37 Years, R/o -
Village Mandir Hasoud, Post Mandir Hasoud, Civil And Revenue
District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of
Home, Mantralaya Mahanadi Bhawan, Capital Complex New Raipur
District Raipur Chhattisgarh
2. Director General, Jail And Reforms Services, Jail Head Office Raipur,
District Raipur, Chhattisgarh
3. Jail Superintendent, Central Jail Bilaspur, District Bilaspur
Chhattisgarh
4. Jail Superintendent, Sub Jail Katghora, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashok Patil, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.08.2019**

1. The limited grievance that the petitioner has made is for a direction to the
respondent no.2 to take an appropriate decision in accordance with
Annexure P-1 dated 20.02.2019.
2. Facts of the case are that the petitioner was working as Guard at Sub Jail,

Katghora, District Korba. The petitioner was placed under suspension on 10.04.2007 on the allegation of some mobile phone being recovered from one person who was undergoing custody in the jail. The said suspension order was subsequently revoked on 15.10.2007. After a departmental inquiry, the services of the petitioner stood terminated on 04.01.2008. Meanwhile, a criminal case was registered against the petitioner for the same charge and the petitioner finally was acquitted vide judgment dated 07.12.2017. Subsequent to the acquittal in criminal case, the petitioner has been granted the benefit of reinstatement vide order dated 03.03.2018. After reinstatement, the petitioner moved an application for grant of salary and consequential benefits for the intervening period from the date of termination till the date of reinstatement i.e. from 04.01.2008 to 03.03.2018.

3. Perusal of the record would show that the Assistant Jail Superintendent, Sub Jail, Katghora has already made a recommendation in favour of the petitioner with his correspondence dated 20.02.2019 Annexure P-1 marked to the respondent no.3 for an appropriate direction but no further decision has been taken by the respondent no.3 in this regard.
4. Given the said claim that the petitioner has made, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondent no.3 to take a decision on Annexure P-1 dated 20.02.2019 forwarded to him by the Assistant Jail Superintendent, Sub Jail, Katghora.
5. Let an appropriate decision be taken at the earliest preferably within a period of 4 months from the date of receipt of copy of this order. While deciding the same, the respondent no.3 is expected to take a decision in accordance with the service rules governing the field.

6. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioner is concerned. The authority concerned shall take a decision purely in accordance with the rules.
7. With the aforesaid observation, the writ petition stands disposed of.

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