

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6462 of 2019

Ravishankar Diwan S/o Ramlal Diwan Aged About 45 Years Animal Veterinary Field Officer Animal Dispensary Tusada Tahsil And District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Animal Husbandry And Dairying, Mahanadi Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Dy. Director Animal Veterinary Services, Kachahari Chowk, College Road, Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Incharge Veterinary Hospital Bagbahara, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---Respondents

For Petitioner	:	Ms. Smita Jha, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

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

27/08/2019

1. The petitioner primarily has claimed for the following three main reliefs:

“10(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent to grant salary for the period of 69 days from 23rd May, 2018 to 30th July, 2018 and the salary of the month of October, November & December, 2018.

10(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent to pay the electricity charges and building maintenance of the veterinary hospital.

10(iv) That, this Hon'ble Court may kindly be pleased to direct the respondent to grant the up-gradation of his salary after completion of 12 years of service.”

2. So far as the relief sought in clause 10 (iii) is concerned, this Court is of the opinion that the such a direction cannot be granted by this Court under the service jurisprudence. The petitioner, if at all, has incurred any expenses in the course of discharging his duties as an Animal Veterinary Field Officer, the petitioner may approach the respondent No.2 for redressal of his grievance. However, so far as

the non-payment of salary for the period from 23rd May, 2018 to 30th July, 2018 and again from October, 2018 to December, 2018, this Court is of the opinion that let the respondent No.1 & 2 consider the service records of the petitioner, if he is entitled for the salary for the said period, as the petitioner submits that for the period between 23rd May, 2018 to 30th July, 2018, he was under medical leave and appropriate medical certificate has already been submitted to the Department and he has sufficient medical leave to his credit, this aspect may be verified and an appropriate decision be taken. Likewise, the authorities would also verify, whether the petitioner in fact has worked between October to December, 2018 and if he has worked, the petitioner cannot be denied the wages for the said period. This may also be verified and an appropriate order be passed at the earliest.

3. State counsel at this juncture submits that so far as up-gradation of his salary on completion of 12 years of service is concerned, it is already under process.
4. Given the facts that the case for up-gradation is already under process, it is expected an the early decision would be taken by the State authorities, so far as the up-gradation of salary is concerned.
5. Let both these facts be considered by the authorities within an outer limit of 90 days from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved