

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS. No. 7757 OF 2019**

Dhannu Ram Sahu S/o Late Shri Asharam Aged About 43 Years
Occupation Watchman Resident Of Village- Goindri, P.S. Mungeli, District-
Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan, Atal Nagar, District- Raipur Chhattisgarh
2. The Engineer-In Chief Water Resource Department, Mahanadi Bhawan, Atal Nagar, District- Raipur Chhattisgarh
3. The Superintending Engineer Water Resource Department, Mahanadi Bhawan, Atal Nagar, District- Bilaspur Chhattisgarh.
4. The Chief Engineer Hasdev Kachhar, Water Resource Department, Bilaspur Chhattisgarh.
5. The Executive Engineer Maniyari Water Resource Department , Mungeli District - Mungeli Chhattisgarh

---Respondent(s)

For Petitioner	:	Ms. Varsha Sharma, Adv.
For State	:	Mr. Ayaz Naved, G.A.

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

30.09.2019

1. The relief sought for by the petitioner in the present writ petition is for appropriate directions to the respondents to pay salary and other allowances to the petitioner w.e.f. 11.03.2015 to 02.12.2018.
2. Given the facts and circumstances of the case, petitioner was initially appointed as a "Chaukidar" on 14.06.2011 and about 4 years time, service of the petitioner stood terminated on 11.03.2015 on account of petitioner getting involved in some criminal case. Before this case, the recruitment was made and which fact was not brought to the notice of the authorities at the time of appointment.
3. The petitioner preferred two writ petitions i.e. WPS No. 1306 of 2015 and WPS No. 7121 of 2018, the earlier one was got disposed of on

02.07.2018 directing the respondents to decide the representation.

The respondents thereafter decide the representation on 24.08.2018 rejecting the representation which led to the subsequent writ petition being filed and which came for hearing before this Court on 29.10.2018, this Court passed the order disposing the writ petition in the light of the Judgment of the Supreme Court in the case of “**Avtar Singh Versus Union of India & Ors**” 2018 (1) SCC 268.

4. This Court had remitted the matter back to the authorities for reconsidering the case of the petitioner in the light of the Judgment of Supreme Court Avtar Singh (Supra). The authorities concerned subsequently on 02.12.2018 and reinstated the petitioner back in service.
5. The writ petition now has been filed directing the respondents to pay salary and other benefits attached to the post of the petitioner during the period the petitioner was out of employment, on account of termination from service on 11.03.2015.
6. Admittedly, the fact is that the petitioner was involved in a Criminal Case which was not brought to the notice of the respondents authorities. Undoubtedly, during the period of termination till the date of reinstatement, petitioner has not worked with the department.
7. Under the circumstances, applying the principle of No Work No Pay, the petitioner would not be entitled for any actual monetary benefits attached to the said post for the said period. However, the entire period between 11.03.2015 to 02.12.2018 i.e. the date of termination till the date of reinstatement for all practical purpose has

to be treated as period spent on duty and the petitioner would also be entitled for all benefits attached to the post giving him notional benefits.

8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha