

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 33 of 2019

Vimal Kumar Singh, S/o Late Shri R A Singh, Aged About 57 Years, R/o Behind Gupta Flour Mill, Bajrang Chowk, Arvind Nagar, Bandhawapara, Sarkanda, Bilaspur Police Station Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Social Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, Police Station Rakhi, District Raipur Chhattisgarh.
2. Director Directorate Of Social Welfare, Government Of Chhattisgarh, Dau Kalyan Singh Bhawan, Mahanadi Khand, Raipur, District Raipur Chhattisgarh.
3. Collector Bastar District Jagdalpur Chhattisgarh.,
4. Superintendent Government Dump and Deaf School, Jagdalpur, District Jagdalpur Chhattisgarh.

---- Respondents

For the Appellant :- Ms. KPS Gandhi, Advocate

For the Respondents :- Mrs. Fauzia Mirza, Addl. Advocate General.

Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board By Prashant Kumar Mishra, J.

18.01.2019

1. The petitioner is claiming back wages and consequential benefits for the intervening period i.e. the period of termination till the period of reinstatement.

2. Admittedly, the petitioner's earlier writ petition bearing WP No. 1033 of 2003 was partly allowed by this Court vide order dated 19.01.2007 allowing him to be reinstated but denied back wages.
3. In para-20 of the order passed by this Court it was observed thus-

“ In the facts and circumstances of the case, wherein serious allegations of misappropriation of fund is involved, the petitioner is not entitled to grant of any back wages”.
4. The above order was not assailed further by preferring writ appeal or SLP, therefore, the same has attained finality in between the parties.
5. In view of the previous order, it is not permissible for the petitioner or for this Court to pass any other contrary order than one passed by the writ Court in the previous round of litigation.
6. Learned Single Judge has rightly rejected the writ petition preferred by the petitioner. There is no scope of interference with the impugned order.
7. The writ appeal deserves to be and is hereby dismissed.

Sd/-
Judge
Prashant Kumar Mishra

Sd/-
Judge
Vimla Singh Kapoor