

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 10326 of 2019**

Sharadlal, S/o. Late Nathan Bihari Lal, Aged About 62 Years, R/o. Ramantola, Near Kendriya Vidyalaya, Mahasamund, District Mahasamund, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Principal Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Development Commissioner, Chhattisgarh State Panchayat And Rural Development, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State/Respondents	:	Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09.12.2019**

1. Grievance of the petitioner is that the petitioner was terminated on the basis of a conviction suffered, however, he has been eventually acquitted by the order dated 08.03.2019 passed by Criminal Appeal No.1242 of 2002 by this Court. Thereafter, the petitioner has been reinstated by the impugned order dated 11.11.2019 (Annexure P-1), however, though he has been reinstated, he has not been paid the back-wages.
2. It is contended that the petitioner was dismissed from the service without any departmental enquiry, therefore, since on the basis of the fact that the conviction was made by the trial Court and thereafter if the conviction is set aside then automatically the petitioner is entitled for the entire back-wages. He submits that at present the petitioner though has filed an application for backwages but the same has not been decided. Learned counsel further refers to the ratio of the judgment passed in WPS

No.2548 of 2018 on 23.03.2018 and submits accordingly the claim of the petitioner may be decided.

3. At this state, since the only limited prayer is made that the application of the petitioner may be decided for the back-wages, this Court has not made any observation on the merit. It is only on the basis of the application, which is filed by the petitioner on 03.06.2019 the order is passed and it is directed that the respondent No.1/ Secretary may decide the application of the petitioner for the back-wages within a further period of 3 months from the date of the order. The petitioner shall be at liberty to file a fresh representation within two weeks to the Secretary/ Respondent No.1.
4. With such observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Ashok