

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 833 of 2020**

- Sawan Kumar Durgam S/o Late Shri Durgam Lanchha Aged About 31 Years Working As A Chowkidar At O/o Collector, District Office Bijapur, District - Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Revenue Department, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District - Raipur, Chhattisgarh
2. Commissioner Bastar Division, Office At Jagdalpur, District Bastar, Chhattisgarh
3. The Collector Bijapur, District Bijapur, Chhattisgarh
4. The Chief Executive Officer Jila Panchayat Bijapur, District Bijapur, Chhattisgarh

---- Respondents

For Petitioner : Shri Vinod Deshmukh, Advocate

For Respondents/State : Shri Kapil Maini, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/02/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner initially was appointed as Rojgar Sahayak in the year 2007 under the Zila Panchayat. Subsequently, he was appointed as Chowkidar in the roll of the State Government on 17.08.2010 (Annexure P-1), thereafter, his services were terminated which was subject of litigation in WPS No.910 of 2011, wherein this Court on 11.11.2014 has reinstated the petitioner to the services, however, the

back wages and other service benefits were not granted. Subsequently, the said order was subject of challenge in Writ Appeal No.1 of 2016 before the Division Bench of this court, wherein the Division Bench on 13.01.2016 has passed the order and para 7 thereof would be relevant which is reproduced herein below:-

7. Needless to state in the facts and circumstances of the case, if the termination was wrongful and the Appellant had made a claim for continuity of service, normally he is entitled to count the period that he was kept out of service for other service purposes.

3. Learned counsel for the petitioner would submit that thereafter the petitioner has not been granted benefit of salary and increment as also the seniority and reinstatement was considered to be afresh appointment, which is against the order of the Division Bench, therefore, he made a representation Annexure P-6. The petitioner at present prays that the said representation may be directed to be decided in light of the observation made by the Division Bench in para 7.
4. Perused the order of the both the Courts i.e. the Single Bench as also the Division Bench which are attached. Considering the same specially the para 7 of the judgment passed by the Division Bench, the Collector Bijapur is directed to decide the representation of the petitioner in the object and spirit of the para 7 of the Division Bench order within a period of 90 days from the date of receipt of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge