

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 919 of 2020**

Rajesh Soni, S/o. Shri Punaaram Soni, Aged About 39 Years, R/o. Village Tumgaon, Tahsil And P.S. Tumgaon, District Mahasamund Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Urban Administration And Development Department, Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
3. Collector, Mahasamund, District Mahasamund, Chhattisgarh.
4. Chief Municipal Officer, Nagar Panchayat Tumgaon, District Mahasamund Chhattisgarh.

---- **Respondents**

For Petitioner : Smt. Meena Shastri, Advocate

For State : Smt. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

12.02.2020

1. Grievance of the petitioner is that the petitioner was initially appointed as Accountant in 2013 and then he was confirmed. Subsequently, he was suspended for certain allegation and the departmental enquiry thereafter was conducted and the order of termination was passed on 05.10.2018.
2. On the earlier round of litigation, the petitioner challenged such order of termination in WPS No.7091 of 2018 wherein on 27.10.2018 this Court has observed that the petitioner has a right to file an appeal before the appellate authority. Subsequently, it is contended that the petitioner has preferred an appeal before the Collector, Mahasamund and the Collector, Mahasamund by order dated 26.09.2019 has set aside the termination order dated 05.10.2018, however, liberty was given to the respondent No.4 to start the

departmental enquiry within a period of three months. It is contended that after 26th Sep. 2019, the order of termination was set aside, however, within three months the departmental enquiry was not started; consequently, that period has lapsed. However, the termination having been set aside, the petitioner has not been given the opportunity to work and the salary are not being paid. Therefore, it is directed that the petitioner may be allowed to make a separate representation to the respondent No.4 to release the salary and allowed him to work on the consequence that the termination order has been set aside.

3. After perusal of the order of the Collector dated 26.09.2019 wherein prima facie it shows that the order of termination dated 05.10.2018 has been set aside and the time limit of three months was given to conduct the departmental enquiry. As it is stated that the departmental enquiry has not been commenced, the submission of the petitioner appears to be logical. In view of this, the petitioner is given the liberty to make a detailed representation to the respondent No.4 for release of salary and other emoluments as may be advised. If such representation is filed within a period of two weeks, the same shall be decided within a further period of 45 days.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge