

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1501 of 2020**

Satyaprakash Banjare, S/o. Bharat Lal Banjare, Aged About 36 Years, Working As Lecturer (Panchayat) Govt. Higher Secondary School, Hasua, Block Kasdole, District Balodabazar Bhatapara Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Commissioner -Cum- Director, Department Of Panchayat And Rural Development, Directorate, Indravati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
4. District Education Officer, Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
5. Block Education Officer Kasdole, District Balodabazar Bhatapara Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. C.Jayant K. Rao, Advocate

For State : Ms. Binu Sharma, Dy. Govt. Advocate

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

05.03.2020

Heard.

1. The petitioner contends that the petitioner was initially appointed on 10.11.2010 as Shiksha Karmi Grade-I. Subsequently, he suffered medical neurosis problem, therefore, he was on leave from 26.03.2015 to 21.02.2017 and while he wanted to rejoin, the said period was declared Dies-Non by order dated 22.01.2017 (Annexure P-3) which was subject of challenge before this Court in WPS No.6060 of 2018 wherein at para 8 this Court has passed the following order :

“Given the said facts, this Court is of the opinion that in the peculiar facts and circumstances of the case, the order dated 22.06.2017 may not be sustainable so far as treating the said period as “dies-non”, particularly when it has been issued without conducting a departmental enquiry or giving an opportunity of hearing to the petitioner against the issuance of order of “dies-non”, the impugned order therefore stands set-aside”.

2. Subsequent to it, an order was passed on 08.08.2019 (Annexure P-6) whereby the period of absent of the petitioner was declared as extraordinary leave. The petitioner therefore contends that the said period having been considered as extraordinary leave, the same may be considered for regularization in service without taking it as break in service and the said period should be taken as period for absorption too.
3. Considering the aforesaid submission and after reading the order dated 08.08.2019 (Annexure P-6) wherein it has been held that the period of absent of the petitioner shall be taken to be an extraordinary service, however, he has not been granted the pay as no work no pay can never be treated as break in service specially when the extraordinary leave was sanctioned. In view of such existing facts, the claim of the petitioner for absorption shall be considered by the respondents No.2 & 3 in future.
4. With the aforesaid observation, this writ petition stands finally disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks