

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2123 of 2020**

- Rajesh Soni S/o Shri Punaauram 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 : Ms. Meena Shastri, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****31/08/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially appointed as Accountant in the year 2013, thereafter, he was confirmed after completion of probation period. Subsequently, in the year 2018 the petitioner was suspended and thereafter he was terminated from the service on 05.10.2018. She would further submit

that thereafter, the appeal was filed before the Collector, wherein the termination order of the petitioner dated 05.10.2018 was set aside and back wages or any substantial relief has not been granted to the petitioner. She would further submit that the petitioner on the earlier occasion had filed a writ petition bearing WPS No.919 of 2020, wherein this Court on 12.02.2020 has passed the following order:-

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.

Learned counsel for the petitioner would further submit that thereafter again the petitioner has filed a representation before the respondent No.4, which is not been decided and the same may be directed to be decided.

3. Per contra, learned State counsel opposes the arguments and would submit that the order setting aside the termination was passed by the Collector, wherein the Collector has not granted back wages and salary.
4. I have heard learned counsel for the parties and perused the documents.
5. Since the limited prayer has been made, therefore, without any observation as to the right of the petitioner, it is observed that since the petitioner has made a representation before the respondent No.4 vide

Annexure P-18 dated 18.05.2020, the same shall be decided within a period of 60 days from the date of receipt of the copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Goutam Bhaduri
Judge

Ashu