

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.41 of 2010**

- Naval Kishore Yadav, S/o Late Shri Johan Singh, Aged About 46 Years, Occupation Service, Presently working as Assistant Sub-Inspector At Distt. Kanker (C.G.)

----- Petitioner**Versus**

- 1.State of Chhattisgarh through Secretary, Home (Police) Department, D.K.S. Bhawan, Raipur (C.G.)
- 2.Director General of Police, Chhattisgarh, Raipur (C.G.)
- 3.Inspector General of Police, Bastar Zone, Lalbagh, Jagdalpur, District North Bastar, Kanker (C.G.)
- 4.Superintendent of Police, District North Bastar, Kanker (C.G.)

----- Respondents

For Petitioner	Mr. Aman Saxena, Advocate
For Respondent-State	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****16/08/2021**

1. The petitioner by way of this writ petition is challenging the legality, validity and the correctness of the order dated 10.01.2009

(Annexure-P/1) passed by the respondent No.4, whereby the period from 10.08.2004 to 28.02.2006 has been declared as 'No Work No Pay'. The petitioner is further challenging the order dated 06.10.2009 (Annexure-P/2) passed by the respondent No.3, whereby the petitioner's appeal against the order (Annexure-P/1) has been dismissed.

2. Mr. Aman Saxena, learned counsel for the petitioner, would submit that though the petitioner is entitled for the salary for the period from 10.08.2004 to 28.02.2006, but the same is not being paid to the petitioner by the respondent No.3 treating the said period to be 'No Work No Pay'. Therefore, the impugned orders deserve to be set aside and the matter be remitted to the respondent authorities to consider the case of the petitioner for grant of salary for the aforesaid period.
3. Mr. Bhagat, learned State counsel would support the impugned order.
4. A careful perusal of the impugned orders

(Annexure-P/1 & P/2) would show that the Appellate Authority has not assigned any reason much less any valid reason not to grant salary to the petitioner for the aforesaid period. Accordingly, the impugned orders (Annexure-P/1 & P/2) are hereby set aside and the matter is remitted to the respondent No.3 IG, Jagdalpur for passing fresh order on petitioner's appeal within 45 days from the date of receipt of copy of this order by a reasoned and speaking order. The petitioner is at liberty to file additional representation.

5. Accordingly, the writ petition is allowed to the extent indicated herein-above. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala