

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 272 of 2021

1. Sunil Kumar Kashyap S/o Shri Tulsi Ram Kashyap Aged About 42 Years Shikshakarmi Grade - I / Lecturer (Panchayat) (Now Terminated) R/o Deendayal Upadhyay Chowk, Nevra Road, Tilda, Police Station Tilda, District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat Avam Gramin Vikas, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Director Directorate Panchayat, Raipur, District Raipur Chhattisgarh.
3. Collector Mahasamund, District Mahasamund Chhattisgarh.
4. Chief Executive Officer Jila Panchayat, Mahasamund District Mahasamund Chhattisgarh.
5. District Education Officer Mahasamund District Mahasamund Chhattisgarh.

---Respondents

For Petitioner	:	Shri Mahendra Dubey and Shri Shishir Dixit, Advocates.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.02.2021.

1. The challenge in the present writ petition is to the impugned order of termination dated 13.02.2014 passed by the respondent No.4.
2. The case of the petitioner is that he was appointed as Shiksha Karmi Grade-I vide order dated 02.06.2009 on which the petitioner has joined his services on 06.06.2009 and was posted at Pithora, District Mahasamund. It is said that thereafter the petitioner on account of his ill health was absent from duty for a considerable long period of time and meanwhile the petitioner also got himself enrolled for the Ph.D course in Pt. Ravishankar Shukla University, Raipur and also obtained Ph.D certificate on 14.01.2012. Meanwhile, on account of long absence from duty, the respondent No.4 had terminated the services of the petitioner vide order

dated 13.02.2014. It is this order which is now being challenged by the petitioner herein.

3. At the outset, this court is of the firm view that the writ petition suffers from inordinate delay. There is no justified explanation available for his long absence from duty. The two reasons for not finding the explanation provided to be justified is firstly according to the petitioner he was absent from duty on account of his ill health, at the same time, we find that during the said period of absence he has been able to pursue his Ph.D course and has obtained his Ph.D degree which by itself is self explanatory that he was not absent on account of his ill health. Moreover, the petitioner stood terminated in the year, 2014 and the present writ petition now being filed in the year, 2021 i.e. after about 7 years time. No plausible explanation has been given by the petitioner in not approaching the court on an earlier occasion.
4. The writ petition thus on account of delay itself deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

inder