

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 602 of 2021

1. Mohan Swaroop Dewangan S/o Shri Sewak Ram Dewangan Aged About 57 Years Working As Sub Ordinate Engineer (SOE) Grade-1, (E And M) Quarry S E C L, Gevra Project, District Korba, Chhattisgarh
---- **Petitioner**

Versus

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, Vasant Bihar, Seepat Road Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
2. The Chief General Manager South Eastern Coalfields Limited, Dipka SECL Area, District Korba, Chhattisgarh
3. Assistant Manager (Personnel), SECL, Dipka Area, District Korba, Chhattisgarh, District : Korba, Chhattisgarh
---**Respondents**

For Petitioner	:	Shri Kunal Das, Advocate.
For Respondents	:	Shri K. K. Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.02.2021.

1. The dispute in the present writ petition is the non settlement of the salary of the petitioner for the period between 12.06.2014 to 10.03.2015. The petitioner in-fact originally was an employee working under the respondents at the Gevra Project.
2. Vide the order dated 21.02.2014, the petitioner stood transferred from Gevra Project to Raigarh Project. The petitioner stood relieved from office on 12.06.2014 and thereafter the petitioner remained absent from duty till 10.03.2016 and thereafter since the order of

transfer dated 21.02.2014 was kept in abeyance by the respondents, the petitioner gave his joining on 15.03.2015 onwards.

3. According to the petitioner, during the said intervening period, he was on medical leave on account of some accident that occurred in the course of his employment.
4. However, this fact has been totally denied by the counsel appearing for the respondents referring to Annexure P/1 which is the medical records of the petitioner which does not disclose of any accident or any grievous injury that the petitioner has suffered during the said period. According to the learned counsel for the respondents, since the petitioner was not inclined to abide by the order of transfer and the relieving order hence he went on leave and has now claimed for the salary for the said period by projecting the same as a medical leave.
5. Be that as it may, since the respondents themselves have subsequently permitted the petitioner to resume his Duty at Gevra project, the issue now left is how that period of absence has to be treated. Suppose if the petitioner has sufficient leave in his credit, the petitioner can make an appropriate application to the respondent-authorities for adjusting/settling of leave accordingly.
6. Given the said facts, let the petitioner approach the respondent No. 2 by moving a fresh application/representation in-respect-of claiming of leave whatever was available in his credit to be adjusted for the intervening period. The respondent No. 2 in-turn on receipt of the

said representation shall consider the same in accordance with the Rules governing the field at the earliest preferably within a period of 45 days from the date of receipt of request of the petitioner.

7. The writ petition at this juncture stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha