

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1645 of 2021**

Sharwan Kumar Markam S/o Shri Makhanram Markam Aged About 50
Years Patwari P.H.N.-22, Chinauri, Tahsil- Charama, District- Kanker,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Revenue,
Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh
2. The Collector Kanker, District- Kanker, Chhattisgarh
3. Sub Divisional Officer Charama, District- Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/03/2021**

1. Grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in complying with their own decision dated 09.12.2019 whereby the respondent authorities have ordered for grant of consequential benefit of difference of pay and other benefits to the petitioner in terms of the FR-54(B)(1).
2. According to the petitioner the authorities subsequently vide order dated 31.12.2019 have kept the order in abeyance on the ground of some appeal preferred by the Complainant/State against the judgment of the acquittal passed in favour of the petitioner. The petitioner today has filed the present writ petition with a specific averment and contentions that against the judgment of acquittal dated 19.11.2019 passed by the

Sessions Judge Kanker, District North Baster Kanker in sessions case no.25/2009, there was no appeal filed or pending before the Appellate Court or before the High Court. That in the absence of there being any appeal, the order dated 31.12.2019 passed by the respondents perse is bad and is not sustainable and needs to be recalled and the authorities should comply with their own decision that they have taken on 09.12.2019.

3. Given the limited dispute that petitioner has raised, this Court is of the opinion that writ petition at this juncture can be disposed of directing the respondent no.2 & 3 to verify the aspect as to whether there is any appeal preferred or pending before any forum against the judgment of the acquittal dated 19.11.2019 and in the event of there being no appeal and firstly order dated 31.12.2019 be recalled and order dated 09.12.2019 be implemented in its letter and spirit.
4. Let appropriate decision after due verification of facts be taken by the respondent no.2 & 3 at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
5. With the aforesaid observations, Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit