

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2167 of 2021**

Dhanau Ram Purena S/o Shri Mansingh Purena, Aged About 54 Years,
Working As Assistant Internal Audit And Taxation Officer, At Janpad
Panchayat Abhanpur, District Raipur, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Joint Director, Directorate Of Chhattisgarh Panchayat Raipur, Second Floor, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Collector Raipur, District Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat Raipur, District Raipur Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Abhanpur, District Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. B. L. Sahu Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11.06.2021**

1. The grievance of the petitioner in the present writ petition seems to be the unpaid salary for the period 21.12.2011 to 20.09.2012.
2. Admittedly, during the said period the petitioner was in judicial custody in connection with a criminal case which was registered against the petitioner at Police Station Pithora, District Mahasamund for the offence punishable under Sections 420/34, 467, 468, 471, 201, 418, 409, 34 of IPC in Crime No.49/2011. The petitioner was subjected to trial before the Court of Judicial Magistrate First Class, Pithora in Criminal Case No.64/2012. The

Criminal Court finally vide its judgment dated 20.09.2012 acquitted the petitioner from all the above charges.

3. According to the petitioner, he has never been placed under suspension nor was he subjected to any departmental inquiry and he also stands acquitted of the alleged criminal case levelled against him. Therefore, the period during which he was in jail i.e. from 21.12.2011 to 20.09.2012 should be regularized and he should be granted salary and all other consequential benefits.
4. It appears that the Department has already considered the representation of the petitioner and the same is in process for a decision as to how the said period has to be treated. However, there does not seem to be any order passed by the authority concerned.
5. Given the said facts, the writ petition at this juncture can be disposed of directing the respondent no.2 to take an appropriate decision so far as the claim of the petitioner for salary during the period from 21.12.2011 to 20.09.2012 is concerned. It is expected that the respondent no.2 shall take an appropriate decision in accordance with the rules governing the field including the fundamental rules. Let an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

**Sd/-
P. Sam Koshy
Judge**