

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2588 of 2021**

1. Domar Singh S/o Shri Bahor Singh Aged About 51 Years Forest Guard, R/o Village Dumarpadav, Post Taurenga, Tahsil Mainpur, District Gariyaband Chhattisgarh
----- **Petitioner**

Versus

1. The State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. The Conservator Of Forest Udanti Sitanadi Tiger Reserve, Raipur Forest Colony, Raja Talab, Near Saksharta Chowk Raipur, District Raipur Chhattisgarh.
3. Chief Forest Conservator Raipur Sitanadi Tiger Reserve, Raipur District Raipur Chhattisgarh.
4. Director Forest Sitanadi Tiger Reserve Raipur, District Raipur Chhattisgarh.
5. Deputy Director Sitandi Tiger Reserve, Raipur, District Raipur Chhattisgarh.
-----**Respondents**

For Petitioner	:	Shri Abhishek Chandravansi, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.06.2021**

1. The present writ petition has been filed claiming for a relief of a direction to the respondents to grant all the consequential relief including monetary benefits and the promotional benefits and also the seniority at par with the person similarly placed in the department appointed along with petitioner.
2. The petitioner in the present writ petition was appointed as a Forest Guard under the respondents in the year 1992. The petitioner got involved in a criminal case under section 376 of IPC in the year 1997

and was subjected to criminal trial vide Session Trial No. 210/1997. Initially the petitioner stood convicted and was sentenced to undergo IR of seven years with fine of Rs. 1000/-. The judgment of conviction was challenged in a criminal appeal before the High Court vide Criminal Appeal No. 2535/1999.

3. This Court however after hearing the appeal vide its judgment dated 03.02.2015 set aside the judgment of the conviction and acquitted the petitioner from the charges. Though the petitioner got acquitted, the respondent/State had not taken the petitioner back in service, he stood continued under suspension for a long period, from the time of his getting involved in a criminal case. The petitioner again approached the High Court and the High Court vide order dated 27.09.2018 in WP(S) No. 6360/2018 directed the respondents to consider and take a decision on the request of the petitioner for being taken back in service. Subsequently, the petitioner was taken back in service on 05.12.2018 and since then he is continuing in service.
4. The plain reading of the order of reinstatement (Annexure P/5) dated 05.12.2018 would clearly reflect that the said order is totally silent as to how the intervening period i.e. the period of suspension of the petitioner, would be treated or has to be treated.
5. It is at this juncture relevant to mention that under the Fundamental Rules governing the service conditions of the petitioner, particularly Sub rule 3 of Rule 54-B, it is incumbent for the employer on reinstatement of an employee after suspension, to pass an order as to how the intervening period has to be treated particularly in respect of the entitlement of the petitioner for the intervening period.

6. This requirement of law has not been exercised by the respondents till now.
7. Given the said legal statutory position as it stands and also taking note of the fact that the order of taking the petitioner back in service being silent on this aspect, the writ petition at this juncture is disposed of directing the respondents No. 2 to 5 to take an appropriate decision in accordance with the provisions of aforementioned rules
8. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge