

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5431 of 2020**

1. Bhagirati Kaiwartya, S/o Shri Budhaw Ram Kaiwartya, Aged About 42 Years R/o Village - Budgahan, Tahsil Janhgeet District - Janjgir Champa (C.G.) Posted At Panchayat Secretary, Birkoni, Janpad Panchayat, Akaltara, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Department, Mantralaya Naya Raipur, District Raipur Chhattisgarh.
2. Collector, District - Janjgir Champa Chhattisgarh.
3. The Chief Executive Officer, Zila Panchayat Janjgir Champa District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mohit Kumar, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.01.2021**

1. The grievance of the petitioner or the relief sought for by the petitioner in the present writ petition is for grant the benefit of seniority and other consequential benefits upon the order of termination being set aside by the Additional Commissioner vide its order dated 18.10.2019.
2. The facts of the case is that the petitioner was appointed on the Post of Panchayat karmi in the year 1995 and thereafter he was confirmed as Panchayat Secretary in the year 1996. The petitioner while working on the said post was terminated from service vide order dated 03.04.2004 by order of the Sarpanch. The order of the Sarpanch was subjected to

appeal before the Sub Divisional Officer who had rejected the appeal on 28.11.2005. Thereafter, the petitioner preferred a revision petition before the Commissioner. Subsequently, the Additional Commissioner vide order Annexure P/1 dated 18.10.2019 allowed the revision and set aside the order of termination and ordered for reinstatement and consequently the petitioner has been granted reinstatement w.e.f. 26.02.2020 (Annexure P/2).

3. The grievance of the petitioner now is that though he has been reinstated in service, the petitioner has not been provided with the benefit of seniority and other consequential benefits which he would have been entitled for upon his being reinstated in service.
4. According to the petitioner, once when the order of termination has been found to be bad and there is an order of reinstatement, applying the doctrine of relating back the petitioner has to be given the benefit of continuity of service and further consequential reliefs as if the order of termination never existed.
5. Given the aforesaid factual matrix of the case, let the petitioner in addition to the representation that he has already made, file a fresh representation to the respondents No. 2 who intturn shall take an appropriate decision in this regard within a period of 90 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge