

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5570 of 2020

1. Rakesh Kumar Thakur S/o Late I. B. Thakur Aged About 62 Years Presently Posted And Working As Incharge Manager Gramodyog Zila Panchayat, Rajnandgaon Chhattisgarh.

---Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Gramodyog, Atal Nagar, Raipur District Raipur Chhattisgarh
2. Chhattisgarh Khadi Thatha Gramodyog Board Gandhi Bhawan, Keyur Bhusan Parisar, Kankali Para, Raipur District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Atanu Ghosh, Advocate.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.01.2021

1. The present writ petition has been filed with two fold reliefs, firstly the refund for recovery made by the department to the tune of Rs.4,78,206.82/- deducted from the salary of the petitioner and secondly for promotion from the date his immediate junior has been granted the same.
2. As regards the recovery part is concerned, the petitioner already had on an earlier occasion questioned the same vide WPS No.4982 of 2005. The said writ petition got disposed of on 28.01.2014 directing the petitioner to prefer an appeal and the appellate authority to decide the same. The petitioner has immediately in the year, 2014 itself preferred an appeal, however, till date the same has not been decided and meanwhile the junior to the petitioner got promoted and therefore the petitioner's right has substantially been affected and in due course of time the petitioner stands retired from service w.e.f. 30.12.2020.

3. Perusal of Annexure P/5 along with the writ petition dated 12.04.2019 would show that the promotion of the petitioner had been deferred on account of litigation before the High Court in Writ Appeal No.409 of 2013, which in other word means that as regards the promotion the Department would be taking an appropriate decision subsequent to the outcome of the said writ appeal.
4. As regards the recovery/refund of the amount is concerned, since this court had already in earlier round of litigation WPS No.4982 of 2005 have directed the Board to take a decision on the appeal and the appeal also having said to be filed, the writ petition at this juncture stands disposed of directing the appellate authority under the respondent No.2 to take a decision on the appeal at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
5. It shall be the responsibility of the petitioner to apprise the respondent No.2, the appellate authority, so far as the order passed by this court is concerned.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge