



2026:CGHC:9774



2026:CGHC:9774

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 451 of 2026

1 - Pawan Kumar Mishra S/o Late R.L. Mishra Aged About 55 Years Senior Sanitary Inspector, Municipal Corporation, Sakari Distt. Bilaspur C.G., R/o Street 83 Block 5/d Sector 6, Bhilai, Distt. Durg C.G.

... Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhavan, Atal Nagar, Naya Raipur, C.G.

2 - Commissioner Municipal Corporation Bilaspur, District Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Uttam Pandey, Advocate
For Respondents/State	:	Mr. Abhishek Singh, Panel Lawyer
For Respondent No. 2	:	Mr. Shaleen Singh Baghel, Advocate

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

24/02/2026

1. The petitioner has filed this writ petition seeking following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to to summon the entire record pertaining to the case of the petitioner from the office of R-1 & R-2 by issuing a Writ of Certiorari.

10.2 That, This Hon'ble Court be pleased to command the respondents and order them to decide the representations and e-mails sent by the petitioner within a reasonable time, preferably within 15 days, and further be pleased to order the release of salary along with arrears and interest by issuing a writ of mandamus as soon as possible, looking to the plight of the petitioner.



10.3 That, the cost of the petition be awarded to the petitioners, as after a long wait when the department turned deaf to his request, he was compelled to approach this Hon'ble Court on his own expense, and cost. Any appropriate writ, direction or order may also kindly be passed which this Hon'ble Court deems fit and appropriate in the circumstances of the case in the interest of justice."

2. In reply, Respondent No. 2 has taken its stand stating that the petitioner was absent from service from the period as mentioned in the chart which is extracted below for ready reference:-

S. No.	Nature of Period	From Date	To Date	Total Days
1.	Absence period marked from the date of joining	29/09/2025	02/10/2025	04 days
2.	Period presented for medical leave	06/10/2025	29/10/2025	24 days
3.	Period of unauthorized absence	30/11/2025	01/01/2026	33 days
4.	Period of unauthorized absence	17/11/2025	21/11/2025	05 days
---	Total	---	---	68 days

It is also pleaded in reply that the petitioner was served with a show-cause notice for unauthorized absence for the period as mentioned above.

3. At this stage, learned counsel for the petitioner would submit that the petitioner was transferred to the office of the Respondent No. 2 only vide order dated 18.12.2025 and according to the rules, petitioner is entitled for 10 days to give his joining at the transferred place of posting i.e. coming to an end on 29.10.2025. It is also contended that from 30.09.2025 to 02.10.2025, there were holidays, therefore, petitioner gave his joining on the immediate next day i.e. 03.10.2025.



4. He also contended that petitioner have worked thereafter, however, as he is suffering from some medical ailment, petitioner was forced to take leave of which, medical documents and medical certificate has also been submitted before the authorities, however, the decision has not been taken on the application for leave nor, the salary is being paid to the petitioner since, October, 2025 till date.
5. Learned counsel for the Respondent No. 2 submits that as the leave of petitioner is yet to be decided by the competent authority, salary has not been disbursed. Petitioner is not responding to the notice, but has mentioned that as the matter is sub-judice before the High Court, the right of authority to consider the issue has been ceased.
6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Be that as it may, the fact remains that according to the respondents, petitioner was on leave on some days in the months of September 2025, October 2025, November 2025, December 2025 and January, 2026. According to the chart, the dispute of salary is with regard to these months only and therefore, in the opinion of this Court, it is for the Respondent No. 2 to take decision on the claim of petitioner with regard to payment of salary considering the leave application submitted by the petitioner and therefore, at this stage this writ petition is disposed of directing the Respondent No. 2 to 5, to take decision on the leave application submitted by the petitioner and also the claim of petitioner for payment of salary in accordance with law, expeditiously, preferably within a further period of 10 days from today granting an opportunity of hearing to the petitioner in this regard.
8. Petitioner will also be at liberty to submit a detailed reply with regard to the notice issued earlier by the Respondent No. 2 and if such reply is



submitted by the petitioner, concerned authority shall consider the reply submitted by the petitioner also at the time of taking decision on the leave application of the petitioner.

9. Respondent No. 2 is also directed to pay the salary to the petitioner within a period of 01 week for the period for which, petitioner has performed his duties and the remaining portion of the salary will be subject matter of decision which will be taken by the respondents on the leave application.
10. With the aforesaid observation and direction, this writ petition stands **disposed of.**

Sd/-
(Parth Prateem Sahu)
Judge

Dey