



2026:CGHC:10393

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2979 of 2023

1 - Sewak Ram Purena S/o R. K. Purena Aged About 40 Years R/o Village Dighari, Tahsil Arang, District : Raipur, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary Law And Legislative Affairs Department, Mahanadi Bhawan, Mantralaya, New Raipur, Atal Nagar, District : Raipur, Chhattisgarh

2 - The Chhattisgarh Madhyastham Adhikaran Through The Registrar Chhattisgarh Madhyastham Adhikaran, Raipur Abhyodaya Parisar Nagar Ghadi Chowk Raipur, District : Raipur, Chhattisgarh

... **Respondents**

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Rohit Sharma, Advocate
For State :- Mr. D.R. Minj, Dy. A.G.

Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

27.02.2026

1. Heard.
2. The instant petition is not being filed against any specific or particular order, but is directed against the inaction on the part of the respondent authorities in not considering and releasing the back wages for the service period rendered by the petitioner and in not extending



the consequential and complete service benefits lawfully due to the petitioner; hence, the present petition.

3. Following reliefs have been sought by way of this petition:-

“10.1. That, this Hon'ble court may kindly be pleased to issue an appropriate writ/ direction to direct the respondent authorities to pay the entire back wages ages/ to the petitioner with interest.

10.2 That, this Hon'ble court may kindly be pleased to issue an appropriate writ/ direction to direct the respondent authorities to grant all the service benefit to the petitioner for the period termination.

10.3 Any other relief (s) that this Hon'ble Court may deem fit to grant in the interest of Justice.”

4. Facts of the present case are that the petitioner was appointed to the post of Peon (Class-IV) on 25.01.2008 by Respondent No. 2, and after successful completion of probation, his services were duly regularized by order dated 21.04.2010. Thereafter, the petitioner was issued show-cause notices alleging misconduct, and despite submitting his replies, his services were terminated by order dated 15.12.2011. Aggrieved thereby, the petitioner filed W.P.(S) No. 30/2012 before this Hon'ble Court, which was allowed vide judgment dated 04.10.2021, whereby the termination order was set aside with consequential service benefits, while leaving the issue of back wages open to be decided by the respondent authorities in accordance with law. In compliance with the said judgment, the petitioner was reinstated in service by order dated 22.10.2021, and thereafter, Respondent No. 2 issued an order



dated 18.11.2021 directing that the period between termination and reinstatement be treated as service for all purposes and entitling the petitioner to salary and consequential benefits for the said period. Despite repeated representations made by the petitioner seeking release of back wages and grant of increments, the respondent authorities have failed to take any decision, and have merely stated that the matter has been referred to higher authorities, resulting in continued inaction, which has compelled the petitioner to file the present petition.

5. Learned counsel for the petitioner submits that the petitioner was reinstated in service vide order dated 04.10.2021 passed by this Court in WPS No. 30/2012. In the said order, it was specifically observed that, so far as the issue of back wages is concerned, the petitioner would be at liberty to file an appropriate representation seeking back wages, and the authorities concerned were directed to pass an appropriate order in accordance with law on the representation to be submitted by the petitioner. Learned counsel for the petitioner further submits that pursuant to the said order, the petitioner has already been reinstated in service, and his services have been directed to be treated as continuous service. However, till date the back wages have not been granted to the petitioner.

6. Per contra, learned State counsel raises a preliminary objection and submits that the present petition is not maintainable and is premature. It is contended that pursuant to the order dated 04.10.2021 passed by this Hon'ble Court in WPS No. 30/2012, the petitioner has already been reinstated in service. So far as the claim for back wages is



concerned, this Court had merely granted liberty to the petitioner to submit an appropriate representation before the competent authority for consideration in accordance with law. It is therefore submitted that unless and until the competent authority decides the representation, the present petition is not maintainable. Accordingly, the petition deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the material available on record.

8. Despite issuance of notice, which was duly served upon respondent No. 2, the contesting respondent who is required to take a decision in the matter, neither any appearance has been made nor any return has been filed on behalf of the said respondent. From perusal of the record, it is evident that this Court, while deciding WPS No. 30/2012 vide order dated 04.10.2021, had granted liberty to the petitioner to submit an appropriate representation before the competent authority for grant of back wages and directed the concerned authority to consider and pass appropriate orders in accordance with law.

9. It is the contention of the petitioner that although he has been reinstated in service and his services have been directed to be treated as continuous, the issue with regard to grant of back wages has not yet been considered by the competent authority. The petitioner has also placed reliance on order dated 18.11.2021, however, till date no final decision appears to have been taken by respondent No. 2 in this regard.

10. Considering the limited grievance raised by the petitioner and



without entering into the merits of the case, this Court deems it appropriate to direct respondent No. 2 to examine and consider the petitioner's claim for grant of back wages in the light of the order dated 04.10.2021 passed by this Court in WPS No. 30/2012, as well as the order dated 18.11.2021, and thereafter pass a reasoned and speaking order strictly in accordance with law within a period of 45 days from the date of receipt of a copy of this order.

11. The petitioner is directed to submit a fresh representation before respondent No. 2 along with a copy of this order and relevant documents within a reasonable time. Upon receipt of such representation, the competent authority shall consider and decide the same in accordance with law within the aforesaid period.

12. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's claim and the competent authority shall decide the matter independently in accordance with law.

13. With the aforesaid observations and directions, the petition stands **disposed of**.

sd/-

**(Amitendra Kishore Prasad)
Judge**