

(2018) 08 MP CK 0057
In the Madhya Pradesh High Court
Case No : Writ Petition No. 17468 Of2016

Ranjeet Sahu

APPELLANT

Vs

M.P. Purva Kshetra Vidyut Vitaran Co.Ltd

RESPONDENT

Date of Decision : 07-08-2018

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2018) 08 MP CK 0057

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

This petition under Article 226 of the Constitution of India is filed by the petitioner being aggrieved by the order dated 02.09.2016 (Annexure P/18),

whereby his representation dated 22.08.2016 was rejected.

Petitioner who is a Junior Engineer was transferred from Mohgaon Distribution Centre by order dated 25.04.2015 to join at Khamarpani Distribution

Centre. Subsequently, he was transferred from Khamarpani Distribution Centre to Divisional Office, Sausar vide order dated 04.03.2016 on the same

post. This transfer order was challenged by way of W.P. No.5375/2016. The Writ Court vide order dated 30.03.2016 directed the respondent to

decide the representation of petitioner by a reasoned order as per law and till decision of the petitioner's representation, the transfer order dated

04.03.2016 was stayed. The petitioner's representation was rejected by the authority vide order dated 28.04.2016, and he was relieved to join at

Divisional Office, Sausar vide order dated 30.04.2016.

The petitioner then challenged the order dated 28.04.2016 in W.P.No.8352/2016,

which was subsequently withdrawn.

The petitioner again filed a W.P. No.13087/2016 challenging the same order dated 28.04.2016 which was dismissed on 16.08.2016 vide Annexure

P/16 with an observation that on submitting a fresh representation within a week, the respondent-Board is expected to take the work of the post on

which he was transferred and also to consider the issue of non-payment of salary. This order was challenged in Writ Appeal and the Division Bench

declined to interfere with the order and dismissed the same. Thereafter, the petitioner filed a representation claiming salary from May, 2016. His

representation was dismissed vide impugned order dated 02.09.2016.

The contention of learned counsel for the petitioner is that despite giving his joining at Divisional Office, Sausar on 21.06.2016, no work was allotted to

him and he was not allowed to discharge his duties nor salary for the period has been paid to him. It is urged that he had filed number of

representations to the respondents but to no avail. It is further urged that the impugned order dated 02.09.2016, imposing a condition that future salary

will only be paid if the petitioner attend his duties regularly and sincerely, is stigmatic in nature.

Return has been filed by the respondents, wherein it has been stated that in compliance of Court's order dated 25.04.2016, the petitioner was

permitted to join the services and work was allotted to him. It is stated that the petitioner gave his joining on 25.04.2016, however after joining he

remained absent and never turned up for duties. Several work order/notices were issued and as the petitioner did not appear on his duties, the same

was sent to him at his home address. However, petitioner did not join the work nor did the allotted work nor gave any explanation for his continuous

absence. Hence, his absence period was considered as leave without pay.

Having heard the learned counsel for the parties, I am of the considered opinion that this petition deserves to be dismissed.

It is seen from Annexure P/16 dated 16.08.2016, that this Court while dismissing the W.P. No.13087/2016 made an observation that if petitioner

submits a fresh representation, the respondent Board is expected;

(i) to give work of the post on which he was transferred and;

(ii) to consider issue of non-payment of salary in context of transfer and posting of petitioner.

It is reflected from the documents on record that the petitioner was transferred on 04.03.2016 (Annexure P/6) on the same post i.e. Junior Engineer from Khamarpani to Sausar. He gave his joining vide Annexure R/2 by post. The work that was assigned to him while working as Junior Engineer at Khamarpani was Revenue Collection as apparent from Annexure P/2. It is also seen that vide order dated 23.06.2016, he was allotted similar type of work of Revenue Collection and checking from 23.06.2016 to 30.06.2016 but he never appeared on duty. Again another allotment order dated 02.09.2016 for the period 05.09.2016 to 30.09.2016 was issued but the petitioner never turned up for work. Hence, the contention of petitioner that he was not allotted the work commensurate to his post is not correct. It is also apparent from the record that petitioner did not turn up for duties, hence the orders were sent to his home address but despite that he remained absent without any prior intimation or permission. Hence, his absence from duties was treated as leave without pay vide order dated 29.11.2016 (Annexure R/5).

It is clear from aforesaid that petitioner deliberately remained absent from his duties and did not follow the allotment orders issued to him. In such facts and circumstances, no fault can be found in the impugned order passed by the respondent authority.

Resultantly, this petition being devoid of merit is dismissed. No order as to costs.