

Court No. - 36

Case :- WRIT - A No. - 18066 of 2023

Petitioner :- Archana Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Prashant Kumar Lal

Counsel for Respondent :- C.S.C., Arun Kumar

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents No. 1 & 2 as well as Mr. Arun Kumar, learned counsel appearing for the Respondents No. 3 & 4.

2. Facts of the case, in brief, are that services of the petitioner were placed under suspension vide order dated 07.09.2021 in contemplation of disciplinary proceedings. Later on the suspension of the petitioner's services has been revoked by the District Basic Education Officer vide order dated 14.06.2022 and by the said order it has further been provided that in respect of the arrears of salary of the suspension period decision shall be taken after the submission of the report of the inquiry officer.

3. Learned counsel appearing for the petitioner has submitted that till date decision in respect of payment of arrears of salary pertaining to the period of suspension and for arrears of salary of two months service has not been taken by the District District Basic Education Officer, Kanpur Nagar.

4. Learned counsel appearing for the petitioner has invited attention of this court that petitioner has already submitted a representation on 23.07.2023 to the District Basic Education Officer, Kanpur Nagar, whereby petitioner has raised claim for payment of arrears of salary.

5. Learned counsel appearing for the petitioner has argued that till date District Basic Education Officer, Kanpur Nagar has not taken any decision in respect of the grievance of the petitioner.

6. On the other hand, Mr. Arun Kumar, learned counsel appearing for the Respondents No. 3 & 4 has submitted that suspension of the petitioner's services was revoked and it was provided that

decision in respect of payment of arrears of salary pertaining to suspension period shall be taken only after receipt of the report of the inquiry officer and since the disciplinary inquiry is still pending and has not been concluded, therefore, till date decision in respect of payment of arrears of salary has not been taken.

7. I have considered arguments advanced by the learned counsels appearing for the parties, and I find that petitioner has been reinstated in service on 14.06.2022, therefore, it is obligatory on the District Basic Education Officer, Kanpur Nagar to conclude the disciplinary proceedings at the earliest and take decision regarding payment of arrears of salary to the petitioner.

8. Be that as it may, this court is of the view that once petitioner has submitted a representation to the District Basic Education Officer, Kanpur Nagar and has raised claim for payment of arrears of salary, it is obligatory on the District Basic Education Officer, Kanpur Nagar to consider and decide petitioner's representation by passing speaking and reasoned order.

9. In view of the aforesaid reasons, this writ petition is finally disposed of with liberty to petitioner to file a fresh representation raising her claim before the District Basic Education Officer, Kanpur Nagar and if such representation is filed within 15 days from today, Respondent No. 3 is directed to consider and decide petitioner's representation by passing speaking and reasoned order within a period of two months thereafter.

Order Date :- 3.11.2023

Gaurav