

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2186 of 2014

Uzma Akhatar D/O Late Shri Mohammad Yusuf, Aged About 38 years
R/O Bismil Chowk, Karbal Road, Bilaspur, Tah. & Distt Bilaspur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Scheduled Caste & Scheduled Tribe Development, Mantralaya Raipur, P.S. Rakhi, Distt Raipur (C.G.)
2. The Secretary Education Department, Mantralaya, Raipur
3. The Director, Lok Sikshan Sanchanalay, Raipur (C.G.)
4. Collector, Bilaspur, Distt Bilaspur (C.G.)
5. Secretary Chhattisgarh State Urdu Academy 7/381, Fazal Complex, Baidnath Para, Raipur (C.G.)
6. District Education Officer, Bilaspur (C.G.)
7. Block Education Officer, Kota, Bilaspur (C.G.)
8. Lalita Pradhan, Principal Of Government Urdu Primary School, Karaiyapara, Ratanpur, Bilaspur (C.G.)

---- Respondents

For Petitioner	Ms. Uzma Akhatar, petitioner in person
For Respondent/State	Shri Y.S. Thakur, Dy AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/06/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. This petition has been preferred seeking the following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records from the department and attendance register of Government Urdu Primary School, Karhaiyapara, Ratanpur, Bilaspur.

10.2 That, this Hon'ble Court may kindly be pleased to give direction to the department Directorate of Public Education as well as Office of District Education, Bilaspur to release her salary which was upheld by the department till today.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent No.8 to give permission to petitioner to sign on daily attendance register.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to decide the pending matters against her as soon as possible.

10.5 That, this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. A reading of the order (Annexure-P-13) passed by the Director, Public Instructions (hereinafter for short referred to as 'the DPI'), it would appear that the District Education Officer, Bilaspur (hereinafter for short referred to as 'the DEO') removed the petitioner from services on 24.09.2010 on account of her long absence without obtaining leave. The said order was set aside by the DPI on 10.01.2012 (Annexure-P-13). There is a dispute about payment of salary on or after the said date. On the one hand, petitioner claims that she is not allowed to join duties and sign the attendance register and on the other hand, the respondents would state that the petitioner is not attending duties.

4. The petitioner, appearing in person, would submit that since the order of removal stands set aside by the order of the DPI. The petitioner deserves to be allowed to join as there is no other order dis-entitling her to resume duties. The respondents have not placed on record any other order on or after the order passed by the DPI (Annexure-P-13), whereby any disciplinary action has been taken against the petitioner.
5. For the foregoing, the writ petition is disposed of with a direction that the petitioner shall be allowed to join duties at the place, where she was posted on 24.09.2010 when the DEO passed the order of removal, which was later on set aside by the DPI. The petitioner shall initially submit joining in the office of the DEO and mention her present and permanent address in the service book as directed by the DEO in its order dated 04.10.2012 (Annexure-R-1). In the said order, the petitioner was also directed to deposit a sum of Rs.3,18,000/- towards recovery of the said amount in relation to her tenure as the President of Chhattisgarh Urdu Academy. The DEO, if the said officer is competent in this regard or the Urdu Academy, may take appropriate steps, in accordance with law to recover the said amount, if the petitioner is liable to make such payment.
6. In so far as the salary from September, 2007 is concerned, the petitioner may submit a detailed representation within one month before the DEO. On such representation being made, the DEO shall decide the petitioner's claim regarding salary, in accordance with law, by passing a reasoned order. In the event of any adverse decision, the petitioner would be at liberty to move again before this Court.

JUDGE