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IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P. No. 2024 /1999

PETITIONER

: Smt. Indubala Verma wife of Shri A.P. Verma, aged about 40 years, upper Division Teacher, Khalsa Girls Higher Secondary School Bilaspur, R/o C-17, Kranti Nagar, Bilaspur (C.G.).

VERSUS

RESPONDENTS

- :1. Gurunanak Shikshan Samiti Dayalband Bilaspur, Through Its President Shri Rajendra Prasad Chawla.
2. Secretary, Gurunanak Shikshan Samiti Dayalband, Bilaspur (M.P.).
3. Principal, Khalsa Girls Higher Secondary School, Bilaspur (M.P.).
4. Joint Director School Education, Bilaspur Division, Bilaspur (M.P.).
5. Principal, Govt. Multipurpose Higher Secondary School, Bilaspur (C.G.).
6. State of Chhattisgarh Through - Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur (C.G.) Pin Code 492001.
7. Director, Directorate of Public Instruction Pension Bada, Raipur (C.G.), Civil & Revenue District Raipur (C.G.) Pin Code No. 492001.
8. District Education Officer, Bilaspur, Civil & Revenue District Bilaspur (C.G.) Pin Code No. 495001.

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP No. 2024 of 1999**

- Smt. Indubala Verma

---- Petitioner**Versus**

- Gurunanak Shikshan Samiti & Others

---- Respondents

For Petitioner	Shri Rahul Birtharey, Advocate
For Respondent No.1 to 3	Shri Vivek Shrivastava, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Adv.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/02/2017**

1. Petitioner would call in question the action of the respondent society in not reinstating her in service even though the order of suspension has been revoked on 6-1-1998 (Annexure – P/12) and no punishment has ever been imposed on her in the departmental enquiry constituted by the management against her.
2. Perusal of the papers available in the record would demonstrate that on 24-6-1997 (Annexure – P/14) the petitioner, an Upper Division Teacher, with the respondent Khalsa Girls Higher



Secondary School, Bilaspur, was suspended from duties and thereafter, a departmental enquiry was constituted against her for remaining unauthorisedly absent from duties. The Principal, Government Multipurpose Higher Secondary School, Bilaspur, was appointed as Enquiry Officer. On completion of enquiry, the said Enquiry Officer has submitted his report, as would appear in Annexure – P/16, however, the management did not take any final decision in the matter nor the petitioner has been reinstated.

3. It also appears from the return and the additional documents filed by the State on 30-11-2016 that the Joint Director, Education Division, Bilaspur, had informed the management on 28-3-1998 for immediate reinstatement of the petitioner, but no action has been taken. Another document Annexure – AD/6 would mention that due to fire in the office of the Principal, Government Multipurpose Higher Secondary School, Bilaspur, the papers pertaining to the petitioner's enquiry got destroyed.
4. In view of the above, for the present no decision can be taken by the management on the basis of the enquiry, which was conducted by the Enquiry Officer in the year 1997-98 as it has become impossible to collect documents pertaining to the said enquiry.

137

5. In the peculiar facts and circumstances of the case, ends of justice would be served if the respondent management is directed to allow the petitioner to resume duties w.e.f. 1st March, 2017 and thereafter, to re-initiate the enquiry, if the management so desires and take final decision in the matter on the basis of the enquiry report.
6. Although the petition remained pending before this Court, but yet considering the letter issued from the office of the Joint Director, Education Division, Bilaspur, on 28-3-1998 (Annexure – AD/1) directing the management to reinstate the petitioner, the petitioner is entitled to arrears of wages at least from the said date i.e. 28-3-1998.
7. While directing payment of back wage this Court is not recording any finding against any of the respondent because they were unable to take action in the matter for non-availability of record due to fire in the office of the Principal, Government Multipurpose Higher Secondary School, Bilaspur, and not because of lapse on the part of any of the respondent, however, at the same time if the petitioner has been kept out of duty for no fault of her, she is entitled for back wages.

8. It is, therefore, directed that the respondent management shall pay back wages to the petitioner w.e.f. 1st April, 1998 to 28th February, 2017 soon after grant being made available by the State Government.
9. On management submitting application for releasing the grant, the concerned authority of the State Government shall pass appropriate orders at the earliest preferably within a period of three months from 1st March, 2017.
10. In the result, the writ petition is allowed to the extent indicated above. There shall be no order as to costs.

Gowri

Sd/-
Prashant Kumar Mishra
Judge