

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5816 of 2007**

- Yashwant Dewan, S/o Shri Sewak Ram Dewan Aged About 57 Years
District Project Co-Ordinator Rajiv Gandhi Shiksha Mission Dhamtari,
Distt- Dhamtari (C. G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through : Principal Secretary School Education
Department, Govt. Of Chhattisgarh, Mantralaya, D. K. S. Bhawan,
Raipur (C. G.)
2. Rajiv Gandhi Shiksha Mission Dhamtari, Distt.- Dhamtari (C.G.)
Through : Mission Director Rajiv Gandhi Shiksha Mission Dhamtari,
Distt.-Dhamtari (C. G.)

---- Respondent**And****WPS No. 849 Of 2011**

- Yashwant Dewan S/o Shri Sewak Ram Dewan Aged About 59 Years
Block Resource Centre, Co-Ordinator Block - Dhamtari Distt. Dhamtari
(Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through : Principal Secretary School Education
Department Govt. Of Chhattisgarh, Secretariat D. K. S. Bhawan, G. E.
Road, Raipur (C. G.)
2. Rajiv Gandhi Shiksha Mission Dhamtari Distt. Dhamtari Through :
Mission Director Cum Collector Collectorate Office, Dhamtari Distt.
Dhamtari (Chhattisgarh)

---- Respondent**And****WPS No. 2575 Of 2007**

- Yashwant Dewan, S/o Shri Sewak Ram Dewan, Aged About 57 Years
Block Resource Center Co-Ordinator (B.R.C.C.) Rajiv Gandhi Shiksha
Mission, Block Development Dhamtari, Tahsil & Distt. Dhamtari (C.G.)

---- **Petitioner**

Vs

1. State Of Chhattisgarh, Through : Additional Secretary School Education
Department, Govt. Of Chhattisgarh, Mantralaya, D. K. S. Bhawan,
Raipur (C. G.)
2. Director Rajiv Gandhi Shiksha Mission, Raipur (C. G.)
3. Collector & Mission Director Rajiv Gandhi Shiksha Mission, Dhamtari,
Distt. Dhamtari (C. G.)

---- **Respondent**

For Petitioner : Shri VG Tamaskar, Advocate.
For Respondent/State : Shri Satish Gupta, Govt. Advocate.
For Respondents 2 & 3 : Shri AS Kachhawaha, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/05/2017

1. Although different orders have been assailed in these 3 writ petitions concerning the petitioner's posting as Block Resource Coordinator and subsequent withdrawal of charges of the said office vide order dated 2.4.2007, since the petitioner has now retired, the lis appears to be surviving only for deciding the question of payment of salary for the period 15.9.2005 to 31.1.2007 and thereafter from 1.2.2007 till the date of retirement.
2. It appears, when the petitioner was not paid salary from 1.2.2007

onwards or for the previous period, he preferred WPS No.1534/2009 wherein this Court had observed that the order passed by the State Government on 10.5.2007 shall be complied with within a period of two weeks. In the said order of the State Government, the Project Coordinator of the Rajiv Gandhi Shiksha Mission (for short 'RGSM'), Dhamtari was directed to consider the petitioner's representation for payment of salary. Thereafter, it would appear, a Committee was constituted by the Collector, Dhamtari to examine the matter and recommend as to the petitioner's entitlement of salary for the two blocks i.e. 15.9.2005 to 31.1.2007 and thereafter from 1.2.2007 till his retirement. By a detailed order, the Committee resolved that since the petitioner has not worked on the post from 15.9.2005 to 31.1.2007, he is not entitled for salary for the said period, however, from 1.2.2007, the petitioner is entitled for salary. Based on the Committee's report, an order to that effect was passed by the Collector cum Mission Director, RGSM, Dhamtari on 19.5.2009, however, the petitioner was not paid salary from 1.2.2007 till his retirement.

3. After hearing learned counsel for the parties at length and on perusal of the papers, it would appear, if the petitioner has worked from 1.2.2007 till his retirement, there is absolutely no justification as to why he should not be paid salary for the period. It also appears, the petitioner has been denied salary for the said period without any lawful reason. In the absence of any order by any higher authority or by this Court

directing maintenance of status quo or otherwise, his salary should not have been stopped after 1.2.2007.

4. Accordingly, the Writ Petitions are disposed of with a direction that the petitioner be paid salary from 1.2.2007 till his retirement in furtherance of the order passed by the Collector cum Mission Director on 19.5.2009 and for delay in payment of salary, the respondents shall pay interest at the rate of 6% per annum from the said part of the salary. However, on the principle of 'No Work No Pay', the petitioner is held not entitled for salary for the period of first block i.e. 15.9.2005 to 31.1.2007. If for the second block i.e. 1.2.2007 till his retirement, any payment has been made to the petitioner, the same shall be adjusted.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve