

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 104 of 2017**

1. Gurunanak Shikshan Samiti Dayalband, Bilaspur, Through Its President, Harvansh Lal Ajmani, S/o Late Shri Mulkraj Ajmani, Aged About 65 Years, R/o Shivaji Marg, Tikrapara, Dayalband, PS Tarbahar, Bilaspur, Distt. Bilaspur (Chhattisgarh).
2. Secretary, Gurunanak Shikshan Samiti, Dayalband, Bilaspur (Chhattisgarh).
3. Principal, Khalsa Girls Higher Secondary School, Bilaspur (Chhattisgarh).

---- Petitioners**Versus**

1. Smt. Indubala Verma W/o A. P. Verma, Aged About 58 Years Upper Division Teacher, Khalsa Girls Higher Secondary School, Bilaspur, R/o C-17 Kranti Nagar, Bilaspur (Chhattisgarh).
2. Joint Director, School Education, Bilaspur Division, Bilaspur (Chhattisgarh).
3. Principal, Govt. Multipurpose Higher Secondary School, Bilaspur (Chhattisgarh).
4. State of Chhattisgarh, Through Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur (Chhattisgarh) 492001.
5. Director, Directorate of Public Instructions, Pension Bada, Raipur, Civil & Revenue District Raipur (Chhattisgarh) 492001.
6. District Education Officer, Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh) 495001.

---- Respondents

For Petitioners	:	Shri Vivek Shrivastava, Advocate.
For Respondent/State	:	Shri AS Kachhwaha, Addl. Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, J.
Order On Board

Per, Thottathil B. Radhakrishnan, Chief Justice.**27/03/2017**

1. The appellants/writ petitioners run an aided School. Under challenge is the

judgment of learned Single Judge coming to the aid of a Teacher who was placed under suspension and whose suspension was revoked way back on 06.01.1998, but is yet to be readmitted to duty.

2. We have heard the learned counsel for the Appellant and learned Additional Advocate General.
3. We see, in law, following revocation of suspension on 06.01.1998, there was a vested right in the Teacher to be readmitted to duty. This ought to have been honoured notwithstanding the continuance of any disciplinary proceeding. In the case in hand, the disciplinary proceedings were carried forward and an inquiry officer in the government had apparently concluded the inquiry proceedings. It appears that thereafter, in spite of directions, the Appellant-establishment had not taken a final decision on the basis of inquiry report. It is stated that, while matters stood so, there was a fire in the office of the concerned department of government, which led to destruction of the inquiry file as well.
4. The Teacher, a woman, came to this court in 1999 while she was aged 40 years old. Now, in 2017, the only benefit that she got is a direction for readmission to duty with back wages. The government department and the establishment employer were left with the liberty to commence inquiry proceeding *de-novo* in view of loss of documents and file and to conclude the disciplinary proceedings accordingly.
5. If at all we are to look deeper into this appeal, the same is only on the question of back wages. Learned Single Judge has considered the relevant factors and has concluded, on the basis of the reasons that could be spelt out through the judgment, that the Teacher is entitled to back wages from 01.04.1998 i.e. date on which the government had directed the establishment to readmit the Teacher to duty. We do not see any legal infirmity in such relief having been granted by the Single Judge, more particularly when, ultimately, the financial

burden of satisfying such liability would stand passed over to the State Government in terms of the laws.

6. For the aforesaid reasons, we do not see any ground to interfere with the impugned order at the instance of the employer-establishment. Writ Appeal therefore fails.

7. In the result, the Writ Appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge