

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5499 of 2017

Smt. Santosh Sharma Widow Of Late Purushottam Lal Sharma Aged About 63 Years Occupation- Service(Retired), R/o House No. 266, Geetanjali Nagar, Post- Shankar Nagar, Sector II, Ward No. 28, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, New Mantralaya, New Raipur, Chhattisgarh.
2. The Regional General Manager, Chhattisgarh Rajya Evam Van Vikas Nigam Limited, Raipur, Chhattisgarh.
3. The Divisional Manager, Chhattisgarh Rajya Evam Van Vikas Nigam Limited, Baaranwapara Project Division, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. P.K. Patel, Advocate
For State	:	Mr. Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23.10.2017

Heard.

1. This petition has been filed by the petitioner seeking issuance of direction for consideration of her claim for payment of salary in respect of the period from 19.12.2003 to 22.04.2004 which has been treated as extraordinary leave vide order dated 29.07.2010 of the Regional General Manager of the Chhattisgarh Rajya Evam Van Vikas Nigam Limited Raipur.
2. Learned counsel for the petitioner would submit that the period from 19.12.2003 to 22.04.2004 during which the petitioner remained suspended,

being in jail, has been treated as a period of extraordinary leave and there is no order of deduction of salary for the said period. It is the claim of the petitioner that in the absence of there being any order withholding full or half pay or regularizing period extraordinary leave without any denial of pay during that period, the petitioner would be entitled to salary for the said period.

3. The order dated 29.07.2010 passed by the Regional General Manager states that the period from 19.12.2003 to 22.04.2014 shall be treated as extraordinary leave. There is no mention of withholding of salary either full or half for that period. Therefore, the claim of the petitioner does not appear to be frivolous and direction needs to be issued to respondent to consider the same and pass necessary orders within a period of 60 days from the date of receipt of copy of this order. Accordingly, the petition is disposed off with the direction to pass necessary orders and payment of salary shall be also released which is found payable under the law to the petitioner within the same period.

Sd/-

(Manindra Mohan Shrivastava)
Judge