

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 26/7/2018****Delivered on 3/8/2018****WPS No. 5137 of 2017**

Dr. Seema Jaiswal W/o Shri Shesh Jaiswal, Aged About 49 Years
Senior Medical Officer, R/o Opposite Primary School, Brij Vihar
Colony, Mangla, Bilaspur, CG

---- Petitioner**Versus**

1. Ayush And Health Sciences University Through Its Registrar, G. E. Road, Amanaka, Raipur CG
2. Central Council Of Homeopathy, Through Its Registrar Cum Secretary, Jawaharlal Nehru Bhartiya Chikitsa Avum Homeopathic Anusandhan Bhawan, 61-65, Institutional Area, Opp. D - Block, Janak Puri, New Delhi, 1100058, Email- Centralcouncilnic.In@Bol.Net.In, District : New Delhi, Delhi
3. C. L. Chouksey Memorial Homeopathic Medical College, Hospital And Research Centre, Through Managing Director, Lal Khadan, Masturi Road, Bilaspur Chhattigarh 495004
4. Dr. Satyajeet Thakur, Principal, C. L. Chouksey Memorial Homoeopathic Medical College, Hospital And Research Centre, Lal Khadan, Masturi Road, Bilaspur Chhattisgarh. 495004
5. Mrs. Soma Bhattacharya, Administrative Officer, C. L. Chouksey Memorial Homeopathic Medical College, Hospital And Research Centre. Lal Khadan, Masturi Road, Bilaspur CG. 495004

---- Respondents

For petitioner	Mr. Neeraj Choubey, Adv.
For R-1	Mr. N.K. Vyas, Adv.
For R-2	None.
For R-3, 4, 5	Mr. Anurag Dayal Shrivastava, Adv.

CAV ORDER**Hon'ble Shri Justice Sharad Kumar Gupta**

1. By this order, I.A. No. 2 application for vacating the order of stay dated 27-9-2017 and dismissal of writ petition is being disposed of.
2. Counsel for the respondents No. 3 to 5 argued that the impugned order Annexure P-1 dated 5-9-2017 has been withdrawn by order Annexure R-3/1 dated 12-12-2017, thus no cause of action survives for adjudication. Thus, interim order be vacated and this writ petition may also be dismissed.
3. Counsel for the petitioner argued that the petitioner has claimed

the relief for grant of prescribed pay scale, EPF amount, arrears of an annual increment, etc. The relief clause- II, III and IV of para 10 still survive, thus I.A. No. 2 may be dismissed.

4. By order dated 25-6-2018, this Court has given finding that there is no necessity of stay of the effect and operation of Annexure P-1 because Annexure P-1 has been withdrawn by order Annexure R-3/1. Thus, relief of Clause 10(I) does not survive as Annexure P-1 has been withdrawn.
5. The petitioner has also claimed in Clause 10(II) to direct the respondents to allow her to join service along with consequential benefits including grant of pay scale as prescribed by the respondent/ University from the initial date of appointment.
6. The petitioner has also claimed in Clause 10(III) that exemplary cost may be imposed upon respondent No. 4 and 5 for torturing, exploiting, etc.
7. The petitioner failed to show that she had given the representation in writing to the competent authority regarding grant of pay scale as prescribed by the respondent University from initial date of her appointment.
8. Looking to the above mentioned facts and circumstances of the case, the respondents are directed that if the petitioner has not joined then allow her to join the service and give her consequential benefits as per law. The petitioner has liberty to submit representation in writing before competent authority regarding the grant of pay scale as allegedly prescribed by the respondent University from the initial date of her appointment. This Court is not inclined to impose any cost upon respondents no. 4 and 5.
9. Consequently, I.A. No. 2 as well as the instant writ petition are disposed of.

Sd/-
(Sharad Kumar Gupta)
Judge

