

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2782 OF 2011**

Raj Kumar Tiwari, S/o Late Shri Gulabchand Tiwari, aged about 44 years, presently posted as an ABEO in the office of Block Education, Kota, Bilaspur (C.G.)

... **Petitioner**

versus

1. State of Chhattisgarh, through its Secretary, Department of Education, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
2. District Census Officer & Collector, District Bilaspur (C.G.)
3. District Education Officer, District Bilaspur (C.G.)
4. Block Education Officer, Block- Kota, Tahsil- Kota, District Bilaspur (C.G.)

... **Respondents**

For Petitioner	:	Mr. Neeraj Choubey, Advocate.
For Respondents No. 1 to 3	:	Mr. Chandresh Shrivastava, Panel Lawyer.
For Respondent No.4	:	Mr. K.S. Pawar and Mr. Shashi Kumar Kushwaha, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/07/2018

1. The present writ petition was filed by the Petitioner seeking for the non-payment of the salary of the Petitioner from August, 2010 onwards. It was also filed for seeking quashment of the order dated 3.3.2011 whereby the Respondents had decided that the Petitioner would not be entitled for the salary for the said period.

2. Pending the petition before this Court, learned Counsel for the Petitioner today makes a statement that the grievance of the Petitioner so far as his non-releasing of the salary is concerned the same stands redressed up till 9th March, 2011 and subsequent to 8th December, 2011 onwards he has been regularly receiving the salary. Learned Counsel for the Petitioner now in the present writ petition restricts his claim to the unpaid salary for the period from 10.3.2011 to 7.12.2011. The contention of the learned Counsel for the Petitioner is that the salary for the said period of about 7-8 months has not been paid to the Petitioner on account of the Petitioner not joining at Kabirdham and neither was the Petitioner permitted to resume his duties at his erstwhile place of posting i.e. at Kota in spite of repeated efforts being made.

3. Given the nature of dispute which has been raised by the Petitioner in the instant case, this Court is of the opinion that the said dispute by the Petitioner can be duly verified by an inquiry to be conducted by Respondent No.3, the District

Education Officer, Bilaspur, on verification of the records as regards the Petitioner if was relieved from Kota or not, whether the Petitioner has made efforts to discharge his duties at Kota or not during the intervening period or whether the Petitioner stood released from his post and he did not join at Kabirdham where he was posted. These are factual inquiries which have to be conducted and it may not be possible by this Court in exercise of its powers under Article 226 of the Constitution of India.

4. Let Respondent No.3 look into the matter and on due verification of the facts and circumstances and records of the case so far as the Petitioner and his grievance is concerned and thereafter pass suitable orders whether the Petitioner would be entitled for the salary for the intervening period and also would decide whether the Petitioner has been deliberately not permitted to resume his duties at Kota and or at Kabirdham. Let Respondent No.3 take a decision within an outer limit of four months from the date of receipt of copy of this order. It shall be the responsibility of the Petitioner to bring to the notice of Respondent No.3 the order passed by this Court today.

5. The writ petition accordingly stands disposed of with the aforesaid direction.

Sd/-
(P. Sam Koshy)
Judge