

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 382 of 2017**

- Pratiksha Mohgaonkar W/o Abhay Mohgaonkar, Aged About 48 Years, Substantively Working As Principal, Currently Working As In-Charge-Officer, Pre- Examination Training Centre, Department Of Tribal Welfare, District Bilaspur, Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Additional Director, Pre-Examination Training Centre Department Of Tribal Welfare, District Bilaspur, Chhattisgarh,
3. Commissioner, Department Of Tribal Welfare, Naya Raipur, Chhattisgarh

---- Respondent

For Petitioner	Mr. N. Naha Roy, Advocate
For Respondent /State	Mr. YS Thakur, Additional Advocate General

DB.: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Ram Prasanna Sharma****Order On Board By****Prashant Kumar Mishra, J.****9/3/2018**

1. Heard.
2. The contest between the parties is about entitlement to draw salary from the post of Lecturer, Pre-Examination Training Centre, Bilaspur. The appellant was earlier drawing salary from

the post of Additional Director, however, since after posting of regular Additional Director on 14.9.2016, the appellant was directed vide order dated 22.9.2016 to draw salary from the post of Lecturer, on which, one Asha Williams was drawing salary till that date. Resultantly, Asha Williams has preferred WPS No.5347/2016. In that petition, an interim order is operative in her favour, therefore, the present appellant moved an application for vacating the said interim order, however, the same was dismissed on the ground that the appellant has no locus in that petition.

3. Being compelled, the appellant preferred independent writ petition bearing WPS No.1309 of 2017, claiming entitlement to draw salary from the post of Lecturer. By the impugned order, the appellant's separate writ petition has also been dismissed saying that since she has already moved an application for impleadment in the pending writ petition preferred by Asha Williams, there no need to continue the writ petition preferred by her.
4. Mr. N. Naha Roy, learned counsel for the appellant, would submit that in view of the observation made by the learned Single Judge, while rejecting the appellant's prayer for vacating stay, that the appellant has no locus to seek vacation of the interim order, her application for impleadment may not be allowed. Thus, the appellant may be heard either in her writ petition, which has now been dismissed by the impugned order, or in the previous petition.

5. Considering the facts situation of the case, it appears, since the appellant was held entitled to draw salary from the post of Lecturer by order 22.9.2016, she appears to be interested in the outcome of the litigation so that her claim to draw salary from the post of Lecturer is settled after providing opportunity of hearing to her.
6. In view of the above, without interfering with the impugned order, the writ appeal is disposed of with observation that the appellant shall be heard in the writ petition preferred by Asha Williams.

Sd/-

Judge
(Prashant Kumar Mishra)

Sd/-

Judge
(Ram Prasanna Sharma)

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