

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2154 OF 2013**

1. Yadunandan Prasad Kaushik S/o Shri Kanulal Kaushik Aged About 37 Years R/o Village And Post Semartal, Ps Bilaspur, Civil And Revenue District Bilaspur (CG).

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Principal Secretary Education Department, Mahanadi Bhawan, New Raipur, Distt Raipur, Chhattisgarh
2. Director Public Instructions, Raipur, Civil And Revenue Distt Raipur, Chhattisgarh.
3. The District Education Officer Ambikapur, Civil And Revenue Distt Surguja, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rakesh Pandey, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30.08.2018**

1. The grievance of the petitioner is non granting of salary and other consequential benefits for the period 14.03.1988 to 03.02.1999.
2. The facts of the case is that the petitioner was initially appointed as Craft Teacher vide order dated 29.01.1988 and the petitioner gave joining on 14.03.1988 but the respondents refused to accept his joining. In spite of repeated efforts by the petitioner, joining could not be given to him and ultimately the petitioner had preferred Original Application before the State Administration Tribunal (SAT) which was registered as OA No.2635 of 1988., The said order stood decided on 07.06.1995 whereby the OA was allowed and the respondents were directed to give joining to the petitioner, yet the respondents did not comply with the order of SAT and refused granting joining to the petitioner. Later on, the respondents preferred a Review Petition before the SAT which later on on account of

abolition of SAT stood transferred to this High Court where it was registered as MCC No.38 of 2005. The said MCC stood rejected by this court vide order dated 15.06.2006. Meanwhile, pursuant to the direction given by the SAT allowing OA of the petitioner dated 07.06.1995, the petitioner was ultimately given joining on the post of Shiksha Karmi on 04.02.1999 and since then the petitioner has been working on the said post.

3. The grievance of the petitioner now is that since he has been deliberately kept out of employment from 14.03.1988 to 03.02.1999 and the said period has to be counted as period spent on duty as also the petitioner is entitled for all consequential benefits and for which the petitioner has been making repeated efforts with the respondents but till date the same has not been considered or decided or rejected by the respondents.
4. The aforesaid factual matrix of the case is not disputed by the State counsel. He submits that since the petitioner has accepted joining way back in the year, 1999 on the post of Shiksha Karmi without any objection, subsequent writ petition at this juncture in the year, 2013 may not be entertained on the ground of delay and laches.
5. In the present petition notices were issued on 24.07.2013 but till date though more than five years have been passed no reply has been filed by the State, and therefore, this court does not intend to further prolong the matter.
6. Given the aforesaid admitted factual matrix of the case, indisputably the petitioner had an appointment order dated 29.01.1988 (Annexure P/1) in his favour and on the basis of which the petitioner had reported for joining on 14.03.1988, there is no justified reason

provided by the State either before the SAT or before this court at this moment on the basis of which they (State) have refused joining to the petitioner. Moreover, inspite of there being an order by the SAT as early as on 07.06.1995, yet the respondents did not comply with the order till 04.02.1999. Thus, the action on the part of respondents does not seem to in any manner justified or is based upon any cogent or justified reasons. The petitioner has been deprived of his legitimate right which accrued in his favour in the order of appointment and which was deliberately and willfully not complied with by the respondents and therefore, the petitioner cannot be put to loss for the intervening period. Moreover, the finding of the SAT allowing the petition of the petitioner has attained finality as it was never questioned before any of the higher forum.

7. Thus, for the aforesaid reasons, the writ petition deserves to be and is accordingly allowed.
8. The petitioner herein shall be entitled for all consequential benefits including arrears of salary and other benefits attached to the post of Shiksha Karmi for the period between 14.03.1988 to 03.02.1999.
9. Let this exercise be concluded within a period of 90 days from the date of receipt of certified copy of this order.

Sd/-

(P. Sam Koshy
Judge