

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5811 of 2018

Smt. Rajani Sharma W/o Basudeo Sharma, Aged About 42 Years, Shiksha Karmi Grade-II,, Posted At Govt. Primary School Bade Koni, District- Bilaspur, Chhattisgarh, R/o D-42, Vijaya Puram Colony, Bilaspur, District- Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur, District- Bilaspur, Chhattisgarh.
3. Block Education Officer, Block Bilha, District- Bilaspur, Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Bilha, District- Bilaspur, Chhattisgarh.
5. Chief Executive Officer, District Panchayat Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Nayan Kumar Chatterjee, Advocate.
For resp.No.1 to 3	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2018

1. The grievance of the petitioner in the instant Writ Petition is that, on account of some serious ailments, the petitioner was not able to attend duties for a considerable period of time i.e. from 10/04/2010 onwards and finally when she got fully recovered from the illness, she reported back for duties, but the authorities concerned did not accepted her joining and she has made to run from pillar and post for the purpose of her joining.

2. Pursual of record show that there has been no action whatsoever taken by the respondents for the period of absence, nor has the petitioner been inflicted with any punishment or the respondents have proceeded against the petitioner departmentally for the said period of absence.
3. This being the factual matrix to be enquired into, let the petitioner submit her application to the respondent No.4 who in turn may scrutinize the application and thereafter pass an appropriate order.
4. In case, if the petitioner has not been discontinued from service or placed under suspension, this Court does not see any reason why the authorities concerned would refuse joining to the petitioner with liberty to the respondents to prosecute the petitioner in case of any misconduct by way of disciplinary proceedings.
5. Let, the respondent No.5 take an appropriate decision in this regard particularly taking into consideration the factual matrix of the case more particularly in respect of granting joining to the petitioner at the earliest preferably within 45 days from today.
6. If the contentions of the petitioner are to be believed, then the petitioner for the reason that no action has till date either contemplated or proceeded with, for all practical purposes has to be presumed to be on the rolls of the respondents.
7. Let the petitioner in this regard make a detailed representation afresh supported with all relevant documents to the respondents No. 4 & 5 to take an appropriate decision.

8. In case, if the respondents have already taken some action against the petitioner, then an appropriate intimation in this regard be given to the petitioner and which the petitioner would be at liberty to challenge if she feels aggrieved off.

9. With the aforesaid observation, the Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit