

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 7683 of 2018**

Smt. Archana Choudhary W/o Late Shri Saubhagya Kumar Choudhary, Aged About 43 Years, R/o Naka Chowk Sakti, District Janjgir Champa, Chhattisgarh, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mahanadi Mantralaya Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh
2. Secretary, Department Of School Education, Govt. Of Chhattisgarh Mahanadi Mantralaya Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh
3. Collector, Raigarh, District Raigarh Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Baramkela District Raigarh Chhattisgarh
5. Block Education Officer, Baramkela District Raigarh, Chhattisgarh

... Respondents

For Petitioner	:	Shri B. D. Guru, Advocate
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/11/2018**

With the consent of the parties, the petition was heard finally.

2. The relief sought for by the petitioner is for a direction to the respondents 4 & 5 for releasing the salary of the petitioner during the period 13.10.2014 to 15.05.2018 with all consequential benefits.

3. The facts of the case are that the petitioner was initially appointed as an Assistant Teacher and without holding any departmental enquiry the services of the petitioner was terminated. The order of termination was subjected to challenge before this Court in WPS No. 2298/2018 which got decided on 18.04.2018. While deciding the said writ petition this Court has held as under:

“2. The petitioner, being a permanent employee, her services could not be terminated without holding any departmental enquiry as contemplated in Rule 7 of the Panchayat Service (Discipline and Appeal) Rules, 1999. In this regard, issue has been decided by this court in number of cases. In the case of **Prakash Chand Soni Vs. State of Chhattisgarh and others in WPS No. 1846 of 2011** decided on **15.07.2015**, this Court already decided similar issue. Therefore, the impugned order is clearly illegal and set aside with liberty to hold departmental enquiry.”

4. Pursuant to the aforesaid order dated 18.04.2018 by this court, the petitioner has been reinstated in service on 15.05.2018. Though the petitioner has been granted reinstatement, she has not till date been granted the benefit of backwages and other consequential benefits which the petitioner would be entitled pursuant to the termination order being set aside by the High Court.

5. A perusal of the aforementioned judgment of this Court while setting aside the termination order it would reveal that the writ petition filed by the petitioner was allowed in the light of the judgment of this Court in the case of **Prakash Chand Soni Vs. State of CG and others in WPS No.1846 of 2011** decided on 15.07.2015 and the writ petition filed by the petitioner was also allowed in similar terms holding the termination order to be bad in law. Thus

what is necessary to be taken note of is the operative part of the order passed in the case of Prakash Chand Soni (supra) as the petitioner would also be entitled for the same benefit which has been extended or granted in the case of Prakash Chand Soni. For ready reference, the operative part of WPS No. 1846/2011 dated 15.07.2015 is reproduced hereinunder:

“(7) For the foregoing, the writ petition is allowed and the impugned order is set-aside. The petitioner is reinstated in service along with all consequential benefits flowing from setting aside of his order of termination. However, the respondents would be at liberty to initiate enquiry against the petitioner and take decision afresh, in accordance with law.”

6. A plain reading of the aforesaid observations of this Court in the case of Prakash Chand Soni (supra) it would reveal that there was a specific and categorical finding by the High Court while setting aside the order of termination holding that the petitioner would be entitled for all the consequential benefits flowing from the setting aside of the order of termination which includes the back wages and other consequential benefits which the petitioner would have got had she not been terminated from service.

7. Given the said facts, this Court has no hesitation in holding that the petitioner in the present writ petition would also be entitled for similar benefit. Accordingly, the writ petition is allowed and it is held that the petitioner would be entitled for the benefit of backwages and other consequential benefits as claimed for in the present writ petition.

Sd/-
(P. Sam Koshy)
Judge