

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 212 of 2019

1. Smt. Krishna Yadav W/o Shri Rameshwar Yadav Aged About 49 Years Presently Working As Teacher, Shishu Kendra, Pandopara, Girjapur, Block- Odgai, District- Surajpur, Chhattisgarh.
2. Ku. Anna D/o Shri Suknandan Aged About 42 Years Presently Working As Teacher Shishu Kendra, Pakhnepara, Davansara, Block- Odgai, District- Surajpur, Chhattisgarh
3. Smt. Purnima W/o Shri Tilakdhari Aged About 41 Years Presently Working As Teacher Shishu Kendra, Darhora, Block- Pratappur, District- Surajpur, Chhattisgarh.
4. Shyamkali Devi D/o Shri Govind Gupta Aged About 41 Years Presently Working As Teacher Shishu Kendra, Kotaya, Block-Pratappur, District- Surajpur, Chhattisgarh.
5. Saraswati Yadav W/o Shri Kunjlal Yadav Aged About 35 Years Presently Working As Teacher Shishu Kendra, Inderpur, Block- Odgai, District- Surajpur, Chhattisgarh.
6. Smt. Bhuneshwari W/o Shri Alamsai Aged About 35 Years Presently Working As Teacher Shishu Kendra, Shyamnagar, Tamorpara Block- Pratappur, District- Surajpur, Chhattisgarh.
7. Basanti Singh W/o Shri Bhuneshwar Prasad Aged About 35 Years Presently Working As Teacher Shishu Kendra, Lolki Block- Paratappur, District- Surajpur, Chhattisgarh.
8. Bhagmaniya Devi W/o Shri Navratan Prasad Aged About 35 Years Presently Working As Teacher Shishu Kendra, Majhapara Karanji Block- Surajpur, District- Surajpur, Chhattisgarh.
9. Sukwaro W/o Nalsingh Aged About 45 Years Presently Working As Teacher Shishukendra, Bichpara, Gobindpur, Block- Pratappur, District- Surajpur, Chhattisgarh.
10. Nita Patel W/o Shivram Patel Aged About 48 Years Presently Working As Teacher Shishu Kendra, Revti Block- Pratappur, District- Surajpur, Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya, Raipur, District- Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
3. District Women And Child Development Officer Surajpur, District- Surajpur, Chhattisgarh.
4. District Education Officer Surajpur, District- Surajpur, Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Sudeep Agrawal, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/01/2019

1. The grievance raised by the petitioners in the instant Writ Petition is that, the petitioners were working as a Teacher in the different Shishu Kendra in Surajpur district.
2. According to the counsel for the petitioners, they were being paid honorarium of Rs.400/- per month, however, from March-2016, the said honorarium has not been paid to the petitioners only on account of dispute as to whether the honorarium is to be paid by the School Education Department or by the department of Women and Child Development, State of Chhattisgarh.
3. The issue raised in the instant Writ Petition came up for consideration in other similar matter i.e. WPS No. 4681/2018 and where the State of Chhattisgarh have filed a reply and in their reply they have taken an specific stand that the liability of payment of honorarium would be that upon the School Education Department and in the said Writ Petition this Court has made following observations while disposing off the same:-

“3. The reply submitted by the State particularly paragraph-5 for ready reference is being quoted hereinunder:

“5. Therefore, the department of Women and child Development is not authorized to make payment of the petitioner's outstanding dues as the same has to be made by the department of School Education.”

4. From the aforesaid reply it reveals that the State Govt. itself has in very categorical term accepted the fact that the liability of payment of salary/honorarium to the petitioner would be upon the School Education Department.

5. Given the said stand taken by the State Govt. in their return this Court is of the opinion that nothing further remains to be adjudicated upon in the present case and ends of justice would meet if the writ petition is disposed of directing respondents 2 & 4 to ensure that the salary/honorarium payable to the petitioner from the time that it has not been paid to him be released at the earliest preferably within a period of 3 months from the date of receipt of certified copy of this order.”

4. Given the aforesaid stand that the State Government has taken and this Court has passed in the aforesaid Writ Petition, the present Writ Petition also deserve to be and is accordingly allowed.
5. Subject to verification of the fact as to whether the petitioners are in fact discharging their duties since March-2016 onwards or not, the authorities shall ensure that the honorarium payable inclusive from March-2016 onwards be released forthwith at the earliest preferably within a period of 3 months from the date of receipt of certified copy of this order.
6. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge