

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3641 of 2019

Smt. Purnima Soni (Upadhyay) W/o Shri Rajesh Upadhyaya, Aged About 43 Years R/o Near Patel Krishi Kendra, In Front Of B.R. Sao School Pandariya Road, Mungeli District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya New Raipur District Raipur Chhattisgarh.
2. Chief Executive Officer, Janpad Panchayat Takhatpur District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/05/2019

1. The grievance of the petitioner in the present writ petition is the non-granting of joining to the petitioner at the Govt. Primary School, Khajuri, Nawagaon.
2. The facts of the case is that the petitioner was working as a Shiksha Karmi Grade-III appointed vide order dated 02.07.2007. The petitioner worked with the respondents continuously and uninterruptedly till 19.11.2010, when she proceeded on 3 months of maternity leave till 03.04.2011. The petitioner resumed her duties on 29.04.2011. However after a brief period from 11.07.2011, the petitioner on account of her child getting critically unwell, proceeded on leave and thereafter the petitioner is said to have not joined her duties as she was continuously attending to her ailing child. It is said that the petitioner finally tried to give her joining on 12.06.018, which has not been accepted by the Department and since then she has been trying to get her joining, but no fruitful results were obtained.

3. Counsel for the petitioner submits that as long as the respondents do not pass an order against the petitioner either terminating her services or declaring the petitioner to have abandoned the service, the petitioner for all practical purposes would have to be construed as an employee on the rolls of the respondents. The respondents authorities have to take a decision on the joining, which the petitioner has given.
4. Given the said facts, let the respondent No.2 take an appropriate decision on the representation that the petitioner has made, so far as grant of joining is concerned.
5. It is made clear that this Court has not expressed any opinion, so far as the entitlement of the petitioner is concerned. The respondent No.2 shall be free to take an appropriate decision in accordance with the Rules and Regulations governing the field, particularly in respect of persons who remain on absent long for in the present case, where the absence was for a period of more than 7 years.
6. Let the respondent No.2 take a decision at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved