

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5580 OF 2019**

Kshipra Pandey, W/o Ashish Kumar Pandey, aged about 33 years, presently working as Lecturer (Panchayat) at Govt. Higher Secondary School, Podi, Block Bodla, District Kabirdham (CG)

... Petitioner

versus

1. State of Chhattisgarh, through Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Commissioner-cum-Director, Department of Panchayat and Rural Development, Directorate, Indrawati Bhawan, Naya Raipur, District Raipur (CG)
3. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (CG)
4. District Education Officer, Kabirdham, District Kabirdham (CG)
5. Block Education Officer, Bodla, District Kabirdham (CG)

Respondents

For Petitioner	:	Mr. C.J.K. Rao, Advocate
For Respondent-State	:	Mr. Ashutosh Mishra, Panel Lawyer.
For Respondent No.3	:	Ms. Sunita Jain, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/08/2019

1. Grievance of the petitioner in the present writ petition is the non-consideration of the case of the Petitioner for absorption.
2. The very reason for the non-consideration of the case of the petitioner for absorption is that the petitioner in between was on leave without pay for a period of around 216 days between April, 2013 to March, 2018.
3. From the record, prima facie, it appears that the petitioner's intervening absence has not been declared as dies-non. It is also to be treated as leave without pay. Leave without pay would only disentitle the petitioner's salary for the period of absence and the said intervening period of absence cannot be said to be a broken service nor can it be considered to be one that of dies-non and therefore for all practical purposes it has to be treated as continuous service.
4. The reply which has been filed by respondent no.3 shows that the respondent no.3 has already sought for a guideline in this regard so far as the petitioner is concerned from the respondent no.2 and the said letter was sent on 24.7.2019 and an appropriate instruction in this regard is still awaited.

5. Given the said stand taken by respondent no.3, this Court is of the opinion that ends of justice would meet if the present writ petition is disposed of with a direction to respondents no. 2 & 3 to take appropriate decision on the claim of the petitioner for absorption into the Education Department at the earliest, preferably within a period of four months from the date of receipt of copy of this order.
6. While taking note of this, the respondents shall also consider the fact that the petitioner has also received the benefit of time bound pay-scale vide order dated 6.7.2019 granted by respondent no.3 itself.
7. With the aforesaid direction/observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

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