

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8388 of 2019

Mrudula Rishi W/o Shri Alok Chandra Rishi Aged About 59 Years,
Presently Working As Project Officer Woman And Child
Development Department, Mungeli, P/s And Block Mungeli, District
Mungeli Chhattisgarh Pin- 495334

---- Petitioner

Versus

1. The State Of Chhattisgarh, Through Its Secretary, Woman And Child Development Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh, Pin- 492101
2. The Commissioner, Woman And Child Development Department, Secretariat, Indrawati Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh Pin - 492101
3. The District Programme Officer, Woman And Child Development Department, District Bilaspur, Composite Building, Bilaspur, Chhattisgarh Pin-495001
4. The District Programme Officer, Woman And Child Development Department, Collectorate, Mungeli (Karahi), District Mungeli, Chhattisgarh Pin- 495334

--- Respondents

For petitioner- Shri Sandeep Dubey, Advocate.
For State-Ms. Binu Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/10/2019

Heard.

1. The grievance of the petitioner is that initially the service of the petitioner was declared *dies non* on 29/06/2004. The said order was subject of challenge before this court and this court in W.P. No.101/2006 by order dated 30th October, 2013 had set aside such *dies non*, however the liberty was given to the respondent/authority to initiate departmental enquiry to take further action. It is contended that thereafter two charge sheet was submitted on 9/10/2014 and 17/06/2015, however the departmental enquiry was not concluded for unreasonable period of time. Consequently, this fact lead to filing of another writ petition bearing

number W.P.S. No.2572/2018 wherein this court by an order dated 18/05/2018 directed the respondent to conclude the departmental enquiry within the outer limit of four months from the date of receipt of the order. Subsequently, thereafter the departmental enquiry was concluded and *dies non* period of 28/02/2003 to 12/10/2013 (227 days) was set aside. Grievance of the petitioner at present is that thereafter the fixation of salary has not been made by the respondent and she is not been paid the salary, as the *dies non* period since have been removed she is entitled for the salary as payable to the other employees.

2. Perusal of the record would show that the petitioner has made a representation to the respondents No.3 and 4 and prays that the said representation may be decided so that salary of the petitioner may be fixed. Perused the documents and the two orders passed by this court in W.P. No.101/2006 on 30th October, 2013 and in W.P.S. No.2572/2018 on 18/05/2018. Thereafter as appears that the departmental enquiry has been concluded by Annexure P-6. The petitioner thereafter appears to have made representation for fixation of the salary. Considering the nature of dispute, respondents No.3 and 4 are directed to decide the representation of the petitioner within a further period of 90 days from the date of receipt of this order. The petitioner shall also be at liberty to file fresh representation before the respondents No.3 and 4.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE