

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2190 of 2020

Kamlesh Kumar Khute S/o Shri Ramnarayan Khunte Aged About 37 Years Presently Working As Assistant Teacher (L.B.), Govt. H.S. School, Katai, Block And P.S. Nawagarh District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan, Atal Nagar, Raipur, P.O. And P.S. Naya Raipur, District Raipur Chhattisgarh.
2. District Education Officer, Bemetara, District Bemetara Chhattisgarh.
3. Block Education Officer Nawagarh, District Bemetara Chhattisgarh.
4. Chief Executive Officer District Panchayat, Bemetara, District Bemetara Chhattisgarh.

---Respondents

For petitioner – Shri Vivek Kumar Agrawal, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/06/2020

Heard.

1. Grievance of the petitioner is that the petitioner initially joined as Shiksha Karmi Grade-I, he was promoted in 2017 on the post of Lecturer, however in 2016 when the FIR was registered against him under Section 376 of IPC he was suspended and the petitioner was acquitted on 3/05/2017. Consequently, by Annexure P-2 dated 8/11/2017 his suspension was revoked and during suspension period entire remuneration and other dues were directed to be paid to the petitioner. Learned counsel submits that subsequently by order dated 3/05/2019 District Education Officer, Bemetara has directed Block Education Officer, to release the salary of the petitioner and despite this fact the petitioner has made representation to the Chief Executive Officer, Zila Panchayat, Bemetara, however salary for the suspension period of the petitioner has

not been released.

2. Perusal of the letter dated 3/05/2019 would show that after the suspension was revoked the direction was issued by the District Education Officer, Bemetara by letter dated 3/05/2019 that the salary for the suspension period as also the salary unpaid for six months prior to that should be released. When there is already direction has been issued by the District Education Officer to release the salary no impediment should be in the way for release of the salary of the suspension period and arrears of salary of 6 months prior to suspension. The petitioner has also made representation by Annexure P-4 to the Chief Executive Officer, Zila Panchayat, Bemetara. Under the circumstances, the respondents No.3 & 4 are directed to take cognizance of the letter dated 3/05/2019 issued by the District Education Officer, Bemetara to release unpaid salary of six months prior to suspension and unpaid amount of salary of suspension period forthwith within a period of 90 days from the date of receipt of this order.

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

Sd/-

(Goutam Bhaduri)

JUDGE