

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2997 of 2020**

Dr. Charusmita Verma W/o Shri Prem Shankar Aged About 58 Years
Working As Professor (Economic Department) At Government Post
Graduate College, Balod, District Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. The Commissioner, Directorate Of Higher Education Department, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh
3. The Principal, Government Post Graduate College, Balod, District Balod Chhattisgarh

---- Respondents

For Petitioner : Mr. Sushil Dubey, Advocate

For State/Respondents : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER****06.08.2020**

Heard.

1. Learned counsel for the petitioner submits that the petitioner could not join the services for the reason that she has suffered with Hemorrhage and is bed ridden because of Paralysis. Under the circumstances, she has made an application to the Secretary & Commissioner of Higher Education to grant extraordinary leave, as she is unable to join her duties. He further would submit that as per Rule 31(3) of the Chhattisgarh Civil Services (Leave) Rules, 1977 (for short the "*Rules, 1977*"), the extraordinary leave can be retrospectively also commute.
2. Per contra, learned State counsel would submit that as per Rule 18 of the Rules 1977 when there is uncertainty that to beyond a certain period of time, the leave cannot be granted and the petitioner is in leave and

absent from her duties since 17.01.2018 more than 2 ½ years. She would further submit that leave cannot be granted as per Rule 31(1) & (2) of the Rules, 1977.

3. Learned counsel for the petitioner, at this stage, would submit that under the circumstances, the representation of the petitioner, which is Annexure P-7 may be decided, as the petitioner is going to retire on 30.09.2020 and if the petition is pending no purpose would be served.
4. Considering the prayer, which has been agitated by the petitioner, without any observation on merit as to the entitlement of the petitioner, since the prayer has been made that the representation of the petitioner may be decided as she is going to retire on 30.09.2020, it is directed that the respondent No.1 & 2 shall decide the representation of the petitioner Annexure P-7, which was moved on 04.07.2020 before the petitioner attains the age of superannuation. It is further made clear that this Court has not made any observation on the merit of the case.
5. With the aforesaid observation, the petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge

Ashok