

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2827 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 Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar District Raipur Chhattisgarh.
2. The Commissioner Directorate Of Higher Education Department, Indirawati Bhawan, New Raipur, Chhattisgarh.
3. The Principal Government Post Graduate College Balod, District Balod Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Aman Upadhyay, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****20/07/2020**

Heard.

1. The instant petition is filed claiming following reliefs:-

10.1 It is therefore prayed that, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner.

10.2 That this Hon'ble Court may kindly be pleased to issue a writ/order/direction to the Respondent

No. 1 to decide the application dated 22.06.2020 (Annexure P-4) for grant of 23 days of commuted leave from 01.03.2018 to 23.03.2018 (26x2=46 days) at the earliest.

10.3 Any other relief/ reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is suffering with Hemiparesis diseases, she is bed ridden and is unable to move or walk independently and prolonged medical management would be required as per Annexure P-1.
3. It is stated that she is unable to attend the duty and initially by order dated 03.10.2017 passed in WPS No. 2948 of 2017 direction was given to decide the application for medical leave of the petitioner, thereafter the petitioner was granted 183 days medical leave (Annexure P-3) on 17.01.2018. It is further stated that according to the calculation the petitioner is still entitled for 46 days of commuted leave which may be granted to the petitioner, therefore the petitioner has made an application (Annexure P-4) to the respondents.
4. Learned State counsel opposes the argument and would submit that as per Clause 29 (1) (ii) & (iii) C.G. Civil Services (Leave) Rules, 1977 certain conditions has been imposed about granting of commute leave and the petitioner is going to retire on 30.09.2020.
5. Without any observation on the merits of the case, at this stage the respondent No. 2 is directed to decide the application (Annexure P-4) of the

petitioner for commuted leave in terms of the C.G. Civil Services (Leave) Rules, 1977 within 45 days before the petitioner is superannuated.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti