

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4817 of 2020**

Chitranjan Prasad Yadav S/o Shri Damodar Prasad Yadav Aged About 56 Years Presently Posted As Assistant Grade-2, Government Surajmal Higher Secondary School, Bilha R/o Qtr No. H/38, Nutan Colony, Sarkanda, District- Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District- Raipur Chhattisgarh
2. The Collector Bilaspur, District- Bilaspur Chhattisgarh
3. The District Education Officer Bilaspur, District- Bilaspur Chhattisgarh
4. Joint Director Education Division, Government Primary School, Tarbahar, District- Bilaspur Chhattisgarh
5. The Block Education Officer And Assistant District Commissioner Scout, Bilaspur, District- Bilaspur Chhattisgarh
6. The Principal Government Surajmal Higher Secondary School, Bilha, District - Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Syed Majid Ali, Advocate on behalf of Mr. P.K. Das, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G._

Hon'ble Shri Justice P. Sam Koshy
Order on Board

16/12/2020

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not releasing the salary for the period between December, 2014 to 20.09.2015. It would be relevant at this juncture to take note of the fact that on an earlier round of litigation i.e. WPS No. 3019/2016, this Court while disposing of the said writ petition on 01.05.2017 had held as under:

“5. Considering the entire facts situation of the case, the writ petition is disposed of with direction to the respondents to proceed in the matter in accordance with law and decide the same within 3 months. Meaning thereby, during the period of next 3 months, if the Authority desires to initiate any enquiry for stoppage of salary, it will remain open for them, however, if no enquiry is initiated against the petitioner within next 3 months from today, the entire salary for December 2014 to 20.09.2015 shall be paid to the petitioner within next one month.”

2. From the plain reading of the order of this Court, it was evidently clear that in case if the Department has not initiated any departmental enquiry against the petitioner he was entitled for the entire salary for the aforementioned period.
3. The respondents it is said have not complied with the said order in as much as neither have they initiated any departmental enquiry against the petitioner, nor have the salary been released to the petitioner for the aforementioned period. The petitioner at this juncture drew the attention of this Court to a correspondence made by the Joint Director, Education Department to the District Education Officer, Bilaspur dated 19.07.2019 (Annexure P/6), wherein the Joint Director has given a specific direction to the District Education Officer for taking necessary steps for releasing the salary to the petitioner.
4. Given the aforesaid development that has transpired, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet if the writ petition is disposed of with a direction to the respondents No. 3 & 4 to take necessary steps in ensuring that the petitioner is paid the salary part in terms of the order of the High Court dated 01.05.2017, passed in WPS No. 3019/2016 at the earliest preferably within a period of 60 days from the date of receipt of the

copy of this order, failing which the entire amount shall carry interest @ 10% from December, 2014 onwards till it is actually paid to the petitioner and the entire interest amount would be recoverable from the erring officials in the Department, who were not processed the claim of the petitioner in time.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved