

**HIGH COURT OF CHHATTISGARH AT BILASPUR**  
**WRIT PETITION (S) NO. 4890 OF 2020**

- Smt. Asha Shrivastava W/o Shri Abhishek Verma, Aged About 36 Years, Posted As Lecturer Panchayat, R/o Maitri Kunj, Pink Lane, Civic Center, Bhilai, District Durg (CG)

... Petitioner

**versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur (CG)
2. Commissioner cum Director, Department of Panchayat and Rural Development, Directorate, Indravati Bhawan, Naya Raipur, Atal Nagar, District Raipur (CG)
3. Chief Executive Officer, Zila Panchayat, Bemetara, District Bemetara (CG)
4. District Education Officer, Bemetara, District Bemetara (CG)
5. Block Education Officer, Saja, District Bemetara (CG)

... Respondents

---

|                       |   |                           |
|-----------------------|---|---------------------------|
| For Petitioner        | : | Mr. J.K. Gupta, Advocate. |
| For Respondents/State | : | Mr. Rahul Jha, Dy. G.A.   |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**14/12/2020**

1. Grievance of Petitioner is the inaction on the part of Respondents in not considering her case for absorption.
2. According to learned Counsel for Petitioner, the Petitioner was appointed as Shiksha Karmi Grade-I (Commerce) vide order dated 29.10.2010 on which post she joined on 1.10.2010. Service of the Petitioner was since regularized in the year 2013 and she continued to discharge duties as Shiksha Karmi Grade-I till date. During the intervening period in the year 2015-16, the Petitioner was intermittently absent from duty on account of her medical condition. Subsequently, the Department has treated that period of absence on medical ground as "No Work No Pay".
3. According to learned Counsel for Petitioner, the Petitioner completes eight years of service in October, 2018 and as such she was entitled for being absorbed in the Education Department in terms of the circular of the State Government whereby the persons with eight years experience in service were entitled for being absorbed. However, similarly placed persons working along with the Petitioner in the Department have been absorbed, but the case of the Petitioner has not been considered by Respondents.

4. Further contention of learned Counsel for Petitioner is that the Petitioner has been orally intimated that she was not considered on account of her period of absence in the year 2015-16 and where the said period of absence was declared as "No Work No Pay". According to him, the Respondents have not passed any order for punishment for the said period of absence, except for treating the said period as "No Work No Pay", which in any case would not amount to a punishment.

5. Learned Counsel for Petitioner further submitted that the said period of absence though has been treated as "No Work No Pay", but the same cannot be treated as break in service or the period as "Dies Non" unless there is a specific order passed by Respondent authorities in this regard.

6. Learned State Counsel on the other hand submits that there does not seem to be any order by which the Petitioner's claim has been rejected by Respondents. He however submits that let the Petitioner make a representation which shall be duly considered by the authorities concerned in accordance with law.

7. Given the said submission by learned State Counsel, the present Writ Petition is being disposed of directing the Petitioner to make a fresh representation to Respondent No.4 within a period of fifteen days from today which shall be considered by Respondent No.4 at the earliest, in accordance with law, preferably within a period of two months from the date of receipt of representation, keeping in view the order passed by this Court in WPS No. 5348/2019 titled as "Somesh Pathak Vs. State of Chhattisgarh & Others".

8. Writ Petition accordingly stands disposed of.

/Sharad/

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**