

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 10146 of 2019**

Smt. Kamli Devi, W/o. Anil Kumar, Aged About 37 Years, R/o. Village Namna, Block Premnagar, District Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Women And Child Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
3. District Women And Child Development Officer Surajpur, District Surajpur Chhattisgarh.
4. District Education Officer Surajpur, District Surajpur Chhattisgarh.

---- Respondents

For Petitioner : Mr. C.Jayant K. Rao, Advocate

For State/Respondents : Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2020**

Heard

1. Learned counsel for the petitioner would submit that the petitioner was appointed as teacher in 1996 and she continued even after 2016 and from March 2016 she has not paid the honorarium which was paid to her. It is contended that the issue is covered by WPS No.7914 of 2018 wherein on 03.12.2018, the coordinate Bench of this Court has passed the following orders :

“1. The grievance raised by the petitioner in the instant Writ Petition is that, the petitioner was working as a Teacher in Shishu Kendra Manjhapara, Dadgaon, Block Lundra, District Sarguja (C.G.).

2. According to the counsel for the petitioner, she was being paid honorarium of Rs.400/- per month, however, from March-2016, the said honorarium has not been paid to the petitioner only on account of dispute as to whether

the honorarium is to be paid by the School Education Department or by the department of Women and Child Development, State of Chhattisgarh.

3. The issue raised in the instant Writ Petition came up for consideration in other similar matter i.e. WPS No. 4681/2018 and where the State of Chhattisgarh have filed a reply and in their reply they have taken an specific stand that the liability of payment of honorarium would be that upon the School Education Department and in the said Writ Petition this Court has made following observations while disposing off the same:-

“3. The reply submitted by the State particularly paragraph-5 for ready reference is being quoted hereinunder:

“5. Therefore, the department of Women and child Development is not authorized to make payment of the petitioner's outstanding dues as the same has to be made by the department of School Education.”

4. From the aforesaid reply it reveals that the State Govt. itself has in very categorical term accepted the fact that the liability of payment of salary/honorarium to the petitioner would be upon the School Education Department.

5. Given the said stand taken by the State Govt. in their return this court is of the opinion that nothing further remains to be adjudicated upon in the present case and ends of justice would meet if the writ petition is disposed of directing respondents 2 & 4 to ensure that the salary/honorarium payable to the petitioner from the time that it has not been paid to him be released at the earliest preferably within a period of 3 months from the date of receipt of certified copy of this order.”

6. Given the aforesaid stand that the State Government has taken and this Court has passed in the aforesaid Writ Petition, the present Writ Petition also deserves to be and is accordingly allowed.

7. Subject to verification of the fact as to whether the petitioner is in fact discharging her duties since March-2016 onwards or not, the authorities shall ensure that the honorarium payable inclusive from March-2016 onwards be released forthwith at the earliest preferably within a period of 3 months from the date of receipt of certified copy of this order.

8. The Writ Petition accordingly stands disposed off.”

2. Learned counsel for the petitioner submits that the similar order may also be passed in this case to which the learned State counsel do not dispute.
3. It is ordered as per Para 7 (supra). The same order is passed accordingly. The issue in this case shall be governed by the finding of Para 7 of the order dated 03.12.2018 passed in WPS No.7914 of 2018.

Sd/-
(Goutam Bhaduri)
Judge