

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1322 of 2010**

- Smt. Namita Rai W/o Late Shri Jagdeo Rai, aged about 46 years, A.N.M. (Nurse), Section Dauna, Sub Health Centre Lanjeet, Tahsil Surajpur, District Surguja C.G.

----- Petitioner**Versus**

- 1.State Of Chhattisgarh, through the Secretary, Department of Health and Family Welfare, D.K.S. Bhawan, Raipur, C.G.
- 2.The Collector, Ambikapur, District Surguja, C.G.
- 3.The Chief Medical and Health Officer, Ambikapur, District, Surguja, C.G.
- 4.The Block Medical Officer, Odgi, Tahsil Surajpur, District Surguja, C.G.

----- Respondents

For Petitioner :- Mr. Ashok Kumar Shukla, Adv.
For State/Respondents :- Mr. Soumya Rai, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/07/2021**

- 1.Proceedings of this matter have been taken

up through video conferencing.

2. By the impugned order vide Annexure-P/6 petitioner has been held to be not entitled for the pay for the period of 38 months on the principle of no work no pay and leave has been sanctioned to her holding that she is not entitled for any pay which has been sought to be challenged by way of this writ petition.

3. Mr. Ashok Kumar Shukla, learned counsel for the petitioner, would submit that though the impugned order has been passed holding that the petitioner not to be entitled for the salary for the period of 38 months on the principle of no work no pay and leave has been sanctioned without any payment of salary though she has worked for the entire period but no opportunity of hearing has been granted to her while passing the impugned order and, as such, it is violative of principles of natural justice and, therefore, the impugned deserves to be set aside.

4. Mr. Soumya Rai, learned State counsel, would submit that petitioner's complaint has been inquired into and after making necessary inquiry impugned order has been passed, therefore, the instant writ petition deserves to be dismissed.

5. I have heard learned counsel for the parties, considered their rival submissions herein-above and went through the records with utmost circumspection.

6. True it is that the petitioner has been held to be absent for the period of 38 months and on the principle of no work no pay leave has been sanctioned and she is not entitled for any pay for the aforesaid period but admittedly no opportunity of hearing has been afforded to the petitioner while passing the impugned order by the concerned Chief Medical & Health Officer, whereas, an opportunity ought to have been given to the petitioner as the petitioner's case is that she has worked for the entire period.

7. Be that as it may, the impugned order has

been passed without giving opportunity of hearing to the petitioner which is violative of principles of natural justice, accordingly, the impugned order is set aside and the matter is remanded to the concerned Chief Medical & Health Officer, who will consider the case of the petitioner afresh after affording an opportunity of hearing to the petitioner. However, petitioner is at liberty to file additional documents. Such exercise will be undertaken by the Chief Medical & Health Officer within 45 days from the date of receipt of copy of this order.

8. In view of the above direction/observation the instant writ petition stands disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit