

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 244 of 2016**

Uzma Akhatar D/o Late Shri Mohd. Yusuf, Aged About 38 Years R/o Bismil Chowk, Karbala Road, Bilaspur, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

Shri Hemant Upadhyay The District Education Officer, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondent

(Cause-title taken from Case Information System)

For Petitioner	:	None
For Respondent	:	Prasun Kumar Bhaduri, Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Order on Board****10.12.2021**

None appears for the petitioner on call.

2. Mr. Prasun Kumar Bhaduri, learned counsel for the respondent is present and submits that the order dated 17.06.2015, alleging deliberate violation of which this contempt petition was filed, has since been complied with.

3. Paragraphs 5 and 6 of the order dated 17.06.2015 read as follows :

“5. For the foregoing, the writ petition is disposed of with a direction that the petitioner shall be allowed to join duties at the place, where she was posted on 24.09.2010 when the DEO passed the order of removal, which was later on set aside by the DPI. The petitioner shall initially submit joining in the office of the DEO and mention her present

and permanent address in the service book as directed by the DEO in its order dated 04.10.2012 (Annexure-R-1). In the said order, the petitioner was also directed to deposit a sum of Rs.3,18,000/- towards recovery of the said amount in relation to her tenure as the President of Chhattisgarh Urdu Academy. The DEO, if the said officer is competent in this regard or the Urdu Academy, may take appropriate steps, in accordance with law to recover the said amount, if the petitioner is liable to make such payment.

6. In so far as the salary from September, 2007 is concerned, the petitioner may submit a detailed representation within one month before the DEO. On such representation being made, the DEO shall decide the petitioner's claim regarding salary, in accordance with law, by passing a reasoned order. In the event of any adverse decision, the petitioner would be at liberty to move again before this Court.”

4. Reply was filed by the respondent on 25.07.2016. Copy of the same was received on behalf of the petitioner on 25.07.2016. No reply has been filed contesting the averments made therein. In paragraph 9, it is stated as follows :

“9. It is submitted that in accordance with the direction issued by the Hon’ble Court in para 5 para 6 of the order dated 17/06/2015 the petitioner has been allowed to join at her place of posting to which she was posted by order dated 16/01/2012 and as far as the recovery of salary is concerned a recovery of Rs. 318000 is to be made which

is to be deposited with Chairperson, Urdu Academy Chhattisgarh, Raipur in this regard an order dated 27/06/2015 has been issued by the District Education Officer, Bilaspur address to the Block Education Officer, Kota. A copy of order dated 27/06/2015 is annexed herewith as **ANNEXURE R/6.**"

5. The relevant portion of paragraph 10 is as follows :

"10. It is submitted that as far as the payment of salary is concerned the petitioner has been paid salary for the period February, 2012 to May, 2012 when she was present for which she has been paid Rs. 74,236/- and for the period June, 2015 to May, 2016 the petitioner has been paid Rs.3,23,550/-. For the rest of the duration the petitioner has not been paid as she was not present and had not worked, a tabular chart which is also mentioned in the order dated 08/07/2016 by which representation of the petitioner has been considered is reproduced here for ready reference of the Hon'ble Court;

xxx	xxx	xxx
xxx	xxx	xxx"

6. Having regard to the above, it appears that the order of the Court is complied with and therefore, this contempt application is not pursued any further and the same is closed.

Sd/-
(Arup Kumar Goswami)
Chief Justice