

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2883 of 2021

1. Dameshwari D/o Shri Raj Kumar, Aged About 25 Years Shikchha Karmi, Govt. Primary School, Suwartala, Tahsil Saja, District Bemetara Chhattisgarh.

---Petitioner(s)

Versus

1. State Govt of Chhattisgarh Through The Secretary, Department of Panchayat and Rural Development Ministry, Mahanadi Bhawan, P.S. Rakhi, New Raipur Chhattisgarh.
2. District Education Officer, Bemetara, District Bemetara Chhattisgarh.
3. Block Education Officer, Saja Tahsil and Block Saja, District Bemetara Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For State	:	Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.06.2021

1. The limited grievance of the petitioner is non releasing of the salary to the petitioner since December, 2020 onwards till date.
2. It is specifically submitted by the counsel for the petitioner that the petitioner has been discharging her duty as an Assistant Teacher (LB) at Suwartala Govt. Primary School, Tehsil Saja, District Bemetara and inspite of having discharged her duties uninterruptedly for those entire period from December, 2020 onwards till date, the petitioner has not been released with her salary. It is further contention of the petitioner that till date there is no decision whatsoever taken by the respondents for stopping salary, nor is there any order in this regard served upon the petitioner. The petitioner is also not aware of any departmental enquiry initiated against her. Even if all the aforesaid things are in operation even then since the petitioner has discharged her duties for the entire period from December, 2020 onwards, she is entitled for the entire salary for the said period.

3. Given the limited relief that the petitioner has sought for, subject to verification of aforesaid facts, this court is of the firm view that until and unless there is an order passed by the respondents, the salary part cannot be withheld under any circumstances and the petitioner, if discharged her duties during the said period, shall be entitled for the salary for the said period.
4. The writ petition accordingly stands disposed of directing the respondents No.2&3 to ensure that subject to verification the entire unpaid salary and further salary payable to the petitioner subject to her discharging the duties, be released at the earliest within a period of 60 days from the date of receipt of copy of this order, failing which the entire unpaid salary would carry interest @ 10 percent per annum from the date it fell due till the date of actual payment. That the interest part would be recoverable from the erring officials under the respondents who have not processed the claim of the petitioner within stipulated period.
5. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge