

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4137 of 2021

1. Pankaj Kumar Jaiswal S/o. Late Shyamlal Jaiswal Aged About 36 Years R/o. Wadafnagar, Police Station Basantpur, Post And Tehsil - Wadrafnagar, District Balrampur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary School Education Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur Chhattisgarh.
2. Joint Director (Public Education Department) Surguja Division, Ambikapur, District Surguja (Chhattisgarh)
3. Block Education Officer Block Wadrafnagar, District Balrampur Chhattisgarh.
4. District Education Officer Balrampur, District Balrampur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vivek Mishra, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.09.2021

1. The present writ petition has been filed aggrieved of the inaction on the part of the respondents in not releasing salary payable to the petitioner from June, 2019 onwards.
2. From the pleadings it appears that for the period between June, 2019 to October, 2020 the petitioner claims to have been on sanctioned medical leave. Further contention of the petitioner is that from 10.10.2020 he has been permitted to resume his duties at the present place of posting and he has been uninterruptedly working and discharging his duties on the said post.
3. The grievance of the petitioner is that for the period the petitioner availed sanctioned medical leave and also for the period beyond 10.10.2020 the petitioner has not been granted salary and other consequential benefits which he is otherwise entitled for.

4. The State counsel submits that from the pleadings it appears that the entire period of absence from June, 2019 to October, 2020 does not seem to be on medical leave. It was only a portion of the period which was sanctioned as medical leave and beyond that would amount to unauthorized absence. It is further contention of the respondents that as far as the salary for the period he has worked from October, 2020, subject to verification of the entitlement part, the same shall be processed and cleared.
5. Given the said submission by the counsel for the parties and also taking note of the fact that the matter pertains to release of salary, the writ petition at this juncture can be disposed of instead of admitting and keeping it pending for long. Since the petitioner is working on the post of Assistant Teacher (Science) (LB), the entire issue can be resolved by a decision to be taken at the level of respondents No.2 to 4.
6. Accordingly, the writ petition at this juncture stands disposed of directing the respondents No.2 to 4 to immediately process the claim of the petitioner for salary for the undisputed period between 10.10.2020 till date i.e. during the period he has resumed his duties at the new place of posting till date and the entire unpaid salary and other benefits attached to the post on which the petitioner is working is released along with salary payable in the next month i.e. within 30 days time.
7. So far as the period between June, 2019 and October, 2020, an appropriate decision has to be taken by the respondents No.2 to 4 on verification of facts whether the petitioner had availed sanctioned medical leave or not, whether he was unauthorized absence. That if he is entitled for the salary for the said intervening period, the same shall also be released within a further period of 60 days and the authorities would also

take an appropriate decision in respect of the period during which, according to respondents he was on unauthorized absence.

8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder