

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3667 of 2020

Ankita Sahu (Now Ankita Sinha) D/o Shri Laxminarayan Sahu Aged About 34 Years R/o College Colony, Ward No. 01, Near Nehru Degree College, Post Burhar, District Shahdol Madhya Pradesh 494110

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. The Director Directorate Of Panchayat, Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
4. Commissioner Raipur Division Raipur Chhattisgarh
5. District Education Officer Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh
6. The Chief Executive Officer Zila Panchayat Baloda Bazar-Bhatapara District Baloda Bazar-Bhatapara Chhattisgarh
7. The Chief Executive Officer Zila Panchayat Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anand Dadariya, Advocate
For State	:	Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/03/2021

1. The grievance of the petitioner is the non-granting of the joining to the petitioner on the post of Shiksha Karmi Grade-I at the Govt. Model School, Sakri, then District Raipur, now under Block and District Baloda-bazar.

2. The facts of the case is that the petitioner was initially appointed on 25.11.2010 as Shiksha Karmi Grade-I in English subject and was posted at the Govt. Higher Secondary School, Pendra, Block Bilaigarh, then District Raipur now under District Baloda-bazar. The petitioner gave her joining and it is said that the petitioner on account of ill-health was on leave for sometime and for which a show cause notice was issued on 20.07.2011 (Annexure P/3). The petitioner has given his reply to the said show cause notice on 12.08.2011. However, meanwhile the petitioner was transferred from Pendra-1 to Sakri, Baloda-bazar (earlier under District Raipur). There also the petitioner gave his joining on 18.08.2011. It is contended that even before the petitioner has given his joining on 18.08.2011, the respondents had illegally dismissed the petitioner from service on 12.08.2011 by an order passed by the Chief Executive Officer, Zila Panchayat, Raipur.
3. Against the said order the petitioner preferred an appeal under the Rules governing the field and the learned Commissioner vide order dated 14.01.2013 allowed the appeal and set-aside the order of dismissal dated 12.08.2011. The whole issue has eruped thereafter, in as much as according to the petitioner he has repeatedly approached the respondent authorities in writing for permission to join the duties in the light of the order of the Commissioner setting aside the order of dismissal, but the respondents were not exceeding to it, which has led to the filing of the present writ petition.
4. Subsequent to the filing of the present writ petition, the respondent No.6-the Chief Executive Officer, Zila Panchayat, Baloda-bazar has initiated a disciplinary proceeding against the petitioner by way of a

show cause notice dated 11.11.2020 to appear before the Inquiry officer on 24.11.2020. Vide the present writ petition the counsel for the petitioner has sought for a direction to the respondents to grant joining to the petitioner in the light of the order of the Commissioner allowing the appeal and setting aside the order of dismissal from service.

5. Given the fact that the respondents have subsequently initiated a disciplinary proceeding against the petitioner, establishes the fact that the petitioner has been treated to be an employee under the respondent No.6 and that is the reason why a disciplinary proceeding has been initiated. However, there does not seem to be any official correspondence or order issued by the respondent No. 6 or 7 for that matter in respect of the application for joining, which the petitioner has given pursuant to the order of Commissioner dated 14.01.2013. Moreover, from the records the respondents also does not seem to have further challenged the order of the Commissioner dated 14.01.2013 and which by efflux of time has attained finality.
6. Given the said facts, the writ petition at this juncture stands disposed of directing the respondents No. 6 & 7, who inspite of being served with the notice of this Court, have for reason best known decided not to be represented before this Court. The respondents No.6 & 7 are directed to take appropriate steps, so far as the case of the petitioner is concerned and to pass an appropriate order as to the status of the petitioner in the light of the order of the Commissioner dated 14.01.2013 and to make it clear, as to whether the petitioner joining have been accepted or not. Let an appropriate order be passed by

the respondents No. 6 & 7 at the earliest preferably within a period of 30 days from the date of receipt of the copy of this order.

7. The authorities are expected to pass an order as to how the intervening period has to be treated as regards the consequential benefits that the petitioner may have. The petitioner would also have the liberty to challenge the subsequent order detrimental to the interest of justice.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved