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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4626 of 2021

1. Jagdish Paikra S/o Jaishwar Paikra, Aged About 45 Years Working As Assistant Teacher (LB), Govt. Primary School, Korwapara, Block Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Chandrabhan Singh S/o Ramsurat Singh, Aged About 38 Years Working As Assistant Teacher (LB), Govt. Primary School, Tangersur, Block Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
3. Aradhna Xalxo W/o Heeralal Lakra, Aged About 32 Years Working As Assistant Teacher (LB), Govt. Primary School, Tangersur, Block Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
4. Ramkumari D/o Shahad Ram, Aged About 37 Years Working As Assistant Teacher (LB), Govt. Primary School, Mudapara, Block Sitapur, District Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh
5. Smt. Kirtirosh Tigga (Kujur) W/o Pradeep Kujur, Aged About 41 Years Working As Assistant Teacher (LB), Govt. Primary School, Khurshipara, Block Sitapur, District Surguja (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (Chhattisgarh).
2. The District Education Officer, Ambikapur, District Surguja Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Surguja, Ambikapur, District Surguja Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Sitapur, District Surguja Chhattisgarh.
5. The Block Education Officer, Sitapur, District Surguja Chhattisgarh.

---Respondents

For Petitioners	:	Shri Harish Khutiya, Advocate.
For State	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.09.2021

1. The limited grievance that the petitioners have is for an appropriate direction to the respondents to forthwith release the arrears of salary on account of regularization of the services of the petitioners. The petitioners have also claimed interest on the arrears as the petitioners have not been paid the said amount for a considerable period of time.
2. The contention of the petitioners are that the respondent No.4 as early as on 18.05.2016, whereby the entitlement of the petitioners stand decided and it has been found that the petitioners are entitled for the arrears of

regular pay scale w.e.f. July/August, 2010 onwards, however, though the order was passed more than five years back, the said order till date has not been implemented and the petitioners have not been granted the arrears of pay.

3. Five years time is very long time for any authorities for implementing the order particularly in respect of grant of arrears of pay to an employee. In the letter Annexure P/1 itself it was empathetically held that the same shall be made immediately on allotment of additional budget.

4. In the instant case during the past five years time the budget of the department has been prepared more than five times, yet the respondents have not cared to include the claim of the petitioners in the said budgetary allocations made in the last five years. In the process the petitioners are facing undue hardship and also facing great loss on the monetary front. The employees in whose favour there is already an order of grant of arrears of salary cannot be expected to wait till eternity for receiving the benefits which have otherwise been ordered to be granted. The inaction on the part of the respondents in not making any additional allotment or any additional budgetary allocation in this regard is no ground for the petitioners to suffer and is not a ground available for the respondents not to implement the said order. That once the entitlement part stands decided, the same has to be implemented within a reasonable period of time. Non releasing of the benefits which stood decided as early as on 18.05.2016 would clearly reflect the amount of loss which the employees and the petitioners as such would have suffered.

5. The rate of interest on the amount which the petitioners if would have invested had they received the amount in the year, 2016 was much higher than what the rate of interest on investment made as on date and even today the situation is that of total uncertainty on the part of the respondents so far as implementation of the order Annexure P/1 is concerned

6. What is also required at this juncture is the fact that the benefit which was supposed to be released in the year 2010, but it took almost 7 years for the respondents to decide the entitlement part which they have decided in May, 2016 and now even after deciding the entitlement part in May, 2016, the petitioners are still awaiting receipt of fruits of the said order.

7. Given the entire facts and circumstances of the case, this court is of the opinion that the respondents No.2 to 5 should take all necessary steps in ensuring that the order Annexure P/1 dated 18.05.2016 is implemented in its letter and spirit so far as petitioners are concerned at the earliest within a period of 90 days within which the entire payable dues as per Annexure P/1 should be cleared, failing which the entire amount payable to the petitioners shall carry interest @ 10 percent per annum from the date Annexure P/1 was passed i.e. 18.05.2016. Though the petitioners were entitled to have the benefit of interest from 2010, but since the entitlement part was decided in the year, 2016, we are holding that the interest part would become payable from the date of issuance of Annexure P/1 i.e. 18.05.2016 onwards till the actual payment is made.

8. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder