NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5281 of 2021

1. Smt. Kavita Gupta W/o Shri Shyam Kumar Gupta Aged About 32 Years Working As Assistant Teacher (L B), Govt. Primary School, Sonpur, Block Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner

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, Raigarh, District Raigarh, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Dharamjaigarh, District Raigarh, Chhattisgarh
5. The Block Education Officer, Dharamjaigarh, District Raigarh, Chhattisgarh

–--- Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate.
For State	:	Mr. Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

01.10.2021

1. The limited grievance that the petitioner has, is for an appropriate direction to the respondents to forthwith release the arrears of salary on account of regularization of the services of the petitioner. The petitioner has also claimed interest on the arrears as the petitioner has not been paid the said amount for a considerable period of time.

2. The contention of the petitioners is that the respondent No.4 as early as on 18.05.2016, whereby the entitlement of the petitioner stands decided and it has been found that the petitioner is entitled for the arrears of regular pay scale w.e.f. 14.10.2010 onwards, however, though the order was passed more than five years back, the said order till date has not been implemented and the petitioner has 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 petitioner in the said budgetary allocations made in the last five years. In the process the petitioner is 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 petitioner 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 employee and the petitioner as such would have suffered.

5. The rate of interest on the amount which the petitioner 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 5 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 petitioner is 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 petitioner is 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 petitioner shall carry interest @ 10 percent per annum from the date Annexure P/1 was passed i.e. 18.05.2016. Though the petitioner was entitled to have the benefit of interest from 2011, 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

Jyoti