

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 5757 of 2021**

- Rohini Jha D/o Shri Bharat Lal Jha Aged About 35 Years Shikchha Karmi, Govt. Primary, School, Kewtara, Tahsil Saja, District Bemetara Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner:	Shri Ajay Shrivastava, Advocate
For State/Respondents:	Shri Raghvendra Verma, Govt. Advocate.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**Order On Board****26.10.2021**

1. The limited grievance of the petitioner is non releasing of the salary to the petitioner since January, 2021 till September, 2021.
2. It is submitted by the counsel for the petitioner that the petitioner has been discharging her duty as an Assistant Teacher (LB) at Kewatara Govt. Primary School, Block Saja, District Bemetara (C.G.) and in spite of having discharged her duties uninterruptedly for those entire period, 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.

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 as claimed for, 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 for the said period would carry interest @ 10% 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 the stipulated period.

5. The writ petition accordingly stands disposed of.

Sd/-
(Sanjay S. Agrawal)
JUDGE