

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4936 of 2020**

Manish Sharma S/o Late R.N. Sharma, Aged About 36 Years Working As
Assistant Teacher Govt. Primary School Narsingpur Block Pandariya,
District Kabirdham Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Social Welfare
Department, Mahanadi Bhawan, Mantralaya, P.S. Rakhi, Tahsil Arang,
Naya Raipur, District Raipur Chhattisgarh
2. Director, Panchayat And Rural Development Department, Indrawati
Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. District Education Officer, Kabirdham, District Kabirdham Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Kabirdham, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Pandariya, District Kabirdham
Chhattisgarh
6. Block Education Officer, Pandariya, Block Pandariya, District Kabirdham
Chhattisgarh
7. Head Master, Primary School Narsinghpur, Block Pandariya, District
Kabirdham Chhattisgarh

---- Respondents

For Petitioner	:	Mr. CJK Rao, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06/01/2021

1. The grievance of the petitioner in the present writ petition is the continued
placement of the petitioner under suspension in spite of there being an

specific order of the revocation of suspension Annexure P-5 dated 02.01.2019.

2. Facts of the case is that the petitioner was appointed as Assistant Teacher(Panchayat) and while working on the said post the petitioner was placed under suspension on 19.05.2017. Subsequently the petitioner preferred a writ petition WPS 6009/2017 which was disposed of on 07.02.2018 whereby this Court directed the authorities concerned to decide the case of the petitioner keeping in view the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. [2015 (7) SCC 291]**. Pending the petition before the authorities concerned the services of the petitioner got merged with the Education Department and petitioner was absorbed in the Education Department vide order dated 22.09.2018. Since then the petitioner was supposed to be known as Assistant Teacher(LB). However, in compliance of the order passed by this Court on 07.02.2018 the respondent No.5 passed an order on 02.01.2019 revoking the suspension order of the petitioner, however while passing the said order the designation of the petitioner was still reflected as Assistant Teacher(Panchayat) instead of Assistant Teacher (LB). Further pursuant to Annexure P-5 dated 02.01.2019 the petitioner should had been granted joining by the Education Department as Assistant Teacher (LB) which again till date has not been finalized or petitioner has been taken on account of the fact that while Annexure P-5 was passed the respondent No.5 mentioned that period of suspension shall be treated in terms of order passed by the High Court. At this juncture it is necessary to mention that the High Court in fact had disposed of the writ petition on 07.02.2018 itself leaving liberty for the respondent No.5 to take decision on the issue of suspension. Thus, the decision was to be taken at the

level of respondent No.5 as to how the period of suspension has to be treated. There is no writ petition pending in which the order of clarification could have been issued to the respondent No.5.

3. Given the aforesaid situations that petitioner till date has not been given his joining by the respondent No.3 and he continues to remain under suspension and for all the intervening period the petitioner also had been denied subsistence allowance/ and his salary, if any.
4. Given the aforesaid facts which is not in dispute the writ petition at this juncture is disposed of directing the respondent No.3 as also respondent No.5 to immediately scrutinize the claim of the petitioner so far as he being reinstated in service is concerned in terms of the order of the respondent No.5 dated 02.01.2019 and respondent No.5 in turn is directed to immediately pass a modified order of the order dated 02.01.2019 showing the correct status of the petitioner and also deciding as to how the period of suspension has to be treated.
5. Let this exercise be concluded within a period of 60 days from the date of receipt of copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit