

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5089 of 2020**

Smt. Smriti Dubey W/o Amit Kumar Dubey, Aged About 36 Years, R/o
Shyam Kuteer, Baikunthpur, Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. Director, Directorate Of Panchayat, Raipur, District- Raipur, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Raigarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.01.2021**

1. The challenge in the present writ petition is to the order dated 25.04.2020 passed by the CEO, Zila Panchayat, Raigarh i.e. the respondent no.3 terminating the services of the petitioner.
2. The facts of the case are that the petitioner was appointed as a Siksha Karmi Grade-II vide order dated 16.06.2005 and the petitioner was ordered to be posted at Govt. Middle School Jamuna, Block Lailunga, District Raigarh. It is said that the petitioner immediately gave her

joining at the said place and thereafter on account of health reason the petitioner remained absent for a considerable period of time for more than 8 years. According to the petitioner, for the first time, she made efforts in the year 2014 for reporting back to joining. It is alleged that the petitioner was refused to join by the authority concerned. The petitioner thereafter again did not make any strong effort for joining and after a period of 5 years filed a writ petition i.e. WPS No. 4934/2018. The said writ petition was disposed of on 07.02.2019 directing the respondents to take appropriate steps on the claim of the petitioner in accordance with law. Subsequently, the respondent no.3 now vide the impugned order has held that the services of the petitioner stands terminated on account of unauthorized absence from duty.

3. From the aforesaid factual matrix what stands admitted is the fact that the petitioner was appointed in the year 2005 and was posted in the aforesaid school. The petitioner though gave her joining but immediately thereafter went on leave and remained absent unauthorizedly without any justified reason for a period of more than 8 years. Though there is no record of the petitioner having reported for joining in the year 2013 - 2014. Even when the petitioner was refused joining in the year 2014, she again took more than 5 years to prefer the aforementioned writ petition.
4. What has to be appreciated at this juncture is that since the petitioner had not worked with the authorities for long, admittedly there could not have been any leave in her credit which could have been adjusted or claimed by the petitioner. Moreover, in the present writ petition also the petitioner has not been able to show any justifiable ground for

remaining unauthorizedly absent from duty for a period of more than 8 years and there is no documentary proof in respect of any previous ailment by which the petitioner could not report for duty except for the bald claim made by the petitioner, that of health issues which prevented her from joining duty. Even if that could have been, the proper course for the petitioner was to approach the authority all along supported with all medical documents periodically. The fact that the petitioner has not taken any step in this regard itself gives sufficient indication to draw an inference that the petitioner was not interested to discharge her duty at that point of time and it is only after a considerable long period of time that the petitioner thought of joining her duty. This Court, therefore, in the given factual matrix does not find any strong case made out calling for an interference with the impugned order.

5. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
P. Sam Koshy
Judge