

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 8 of 2021

1. Dr. Smt. Madhulika Lal W/o Shri C.B. Lal Aged About 61 Years R/o Jarhabhata, Mandir Chowk, Bilaspur, District- Bilaspur, (C.G.).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District- Raipur, (C.G.).
2. Commissioner Higher Education Directorate, Indravati Bhawan, Naya Raipur, District- Raipur, (C.G.).

---Respondents

For Petitioner	:	Shri Manoj Paranjpe and Shri Vivek Mishra, Advocates.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.01.2021

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in firstly not granting the consequential benefits to the petitioner pursuant to the order passed by this court in WPS No.5164 of 2018 wherein this court had set aside the order of termination dated 30.04.2018 issued against the petitioner and had ordered for grant of consequential benefits. The second grievance of the petitioner is that though after the order passed by this court the respondents have partly complied the order to the extent of granting reinstatement w.e.f. 16.10.2019, she is not being paid the benefits of 7th Pay Commission and she is still drawing the salary as per 6th Pay Commission, whereas, she would have been entitled for the benefits of 7th Pay Commission w.e.f. 01.01.2016 onwards.

2. The counsel for the petitioner submits that the petitioner is being made to run from pillar to post for obtaining each of her benefits inasmuch as the even the order of this court dated 05.02.2019 passed in WPS No.5164 of 2018 was complied after a contempt petition was filed. To avoid a contempt, the respondents have promptly passed an order of reinstatement but now she is being deprived of monetary benefits which otherwise she is legally entitled for.
3. The State counsel submits that let the respondent No.1 be directed to decide the claim of the petitioner both in respect of consequential relief as also in respect of the granting of benefits of 7th Pay Commission as regards the salary and other benefits which the petitioner is entitled for.
4. Given the submission by the counsel for the parties, the writ petition stands disposed of directing the respondent No.1 to immediately process the claim of the petitioner and to take an appropriate decision at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. Let the petitioner apprise the respondent No.1 so far as the order passed by this court for necessary compliance.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge