IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 1911 of 2024

BETWEEN:-

PADAM CHAND GUPTA S/O SHRI LAXMI NARAYAN GUPTA, AGED ABOUT 48 YEARS, OCCUPATION: SERVICE SUBHASH HIGHER SECONDARY JAURA MORENA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI UPENDRA YADAV - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY GOVERNMENT OF MADHYA PRADESH MANTRALAYA VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **D I R E C T O R DIRECTORATE OF PUBLIC INSTRUCTION (DPI) GAUTAM NAGAR, BHOPAL (MADHYA PRADESH)**

3. **COLLECTOR DISTRICT MORENA (MADHYA PRADESH)**

4. **DISTRICT EDUCATION OFFICER MORENA (MADHYA PRADESH)**

5. **PRINCIPAL GOVERNMENT SUBHASH HIGHER SECONDARY SCHOOL JAURA, MORENA MORENA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI M.S. JADOUN - GOVERNMENT ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

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1. The present petition under Article 226 of the Constitution has been preferred by the petitioner seeking following reliefs:-

> *"i. The respondent authority be directed to release the salary of petitioner w.e.f. from 2002 to 2023 and / or;*
>
> *ii. The respondent authority may be directed to decide the representation Annexure P/7 before the authority in a time bound manner;."*

2. It is the submission of learned counsel for the petitioner that the petitioner is working in the Government Subhash Higher Secondary School, Jaura, District Morena (respondent No.5 herein) since 1996 as Accountant. In year 2002 the said school which was earlier a private school was came under government-fold. Therefore, since then, as per the submission of counsel for the petitioner, the petitioner is an employee of State Government. However; plight of petitioner is that he did not receive a single penny since year 2002. In other words, from last 22 years petitioner is working without any salary. Therefore, petitioner seeks disbursement of his salary.

3. Learned Government Advocate for the respondents/State opposed the prayer and submitted that it is beyond imagination that from last 22 years, no steps have been taken by the petitioner for redressal of his grievances.

4. Heard the learned counsel for the parties and perused the documents appended thereto.

5. Facts appear to be peculiar and it prima facie indicates that it is very surprising that petitioner served the institution for last 22 years and never received salary. At the one hand, it appears that petitioner was casual and on the other hand, it further indicates that without remuneration he worked which needs to be addressed if not addressed yet.

6. Therefore, respondents are the directed to consider the case of

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petitioner as per the factual details delineated by the petitioner and thereafter, passed appropriate order in accordance with law. While considering the case of petitioner all relevant considerations in this regard be ensured and thereafter, passed appropriate order. Exercise be completed within two months from the date of submission of fresh representation alongwith certified copy of this order.

7. With the aforesaid, the present petition stands **disposed of.**

(ANAND PATHAK)
JUDGE

Rashid



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