

**Surendra Kumar Srivastava and ors. Vs. State of U.P. and ors.**

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**Court :** Allahabad

**Decided On :** May-05-2008

**Reported in :** [2008(117)FLR1063]

**Judge :** Bharati Sapru, J.

**Appellant :** Surendra Kumar Srivastava and ors.

**Respondent :** State of U.P. and ors.

**Disposition :** Petition allowed

**Judgement :**

**Bharati Sapru, J.**

1. The petitioners are aggrieved by an order dated 22.8.1983, which is an order passed by the Accounts Officer by which their salaries were stopped. The petitioners' case is that they were validly appointed teachers in the Azad Uchchatar Madhyamik Vidyalaya, Runuwan Pokharbhinda, Gorakhpur.

It is their contention that the posts had been created validly and they had been appointed validly under the orders of the District Inspector of Schools. Upon receiving a complaint from a committee of management the Director of Education at Allahabad issued a letter on 6.4.1983 directing that the salary should only be paid after scrutiny and investigation of the case and, therefore, their salaries were

stopped.

3. A supplementary counter affidavit has been filed by the State in which it has been stated that the arrears have also been paid to the petitioners after the scrutiny and investigation was over.

4. These facts are stated in the supplementary counter affidavit filed by Sri Awadh Bihari Chaubey dated 27.9.1983. Therefore, it becomes clear that upon conclusion of the enquiry as directed by the Director of Education it has been found that the petitioners were validly appointed teachers in the institution in question and their salary as well as arrears have all been released. The petitioners having worked continuously since the year 1980 and even they are continuing in service, the impugned order dated 22.8.1983 deserves to be set aside.

5. This writ petition is allowed. The impugned order dated 22.8.1983 is set aside. The petitioners will continue in service as before and will continue to receive their salaries.

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