

Vimal Chand Vs. State and ors.

Vimal Chand Vs. State and ors.

SooperKanoon Citation : sooperkanoon.com/759119

Court : Rajasthan

Decided On : Mar-14-1991

Reported in : 1991(1)WLN216

Judge : A.K. Mathur, J.

Appeal No. : S.B. Civil Writ No. 2861/89

Appellant : Vimal Chand

Respondent : State and ors.

Judgement :

A.K. Mathur, J.

1. The petitioner by this writ petition has prayed that the respondents may be directed to make payment of the dues of the petitioner with effect from 1-6-1973 with all consequential benefits.

2. The petitioner was appointed as Assistant Teacher in Primary School, Bundi under the Service of the State of Rajasthan vide order dated 6-9-1951 by the Inspector of School, Bundi, which he joined on 21-7-1951. Thereafter the petitioner was posted as L.D.C. by the Dy. Director of Education, Udaipur Kota Ranga, Udaipur vide order dated 9-7-1954, which the petitioner joined in the office Inspector of Schools, Bundi. The petitioner was thereafter confirmed on the post of

L.D.C. w.e.f. 9-1-1952. He was also selected for Educational Statistics Training Course. The petitioner was thereafter transferred to the cooperative Department and posted at Bundi by the order dated 16-5-1955. The petitioner was thereafter promoted to the post of U.D.C. w.e.f. 1-2-1959 in the Cooperative Department. The petitioner was then transferred to Kota Chambal Dam by the order dated 12-7-1963 and he joined the duties on 1-8-1963. The petitioner was reverted to his parent Department on account of abolition of posts in the project. However, the Director of Education refused to take the petitioner back and directed him to join at the Chambal Dam, Kota vide order dated 9-12-1971. The petitioner rejoined the Chambal Project on 23.10.1971 and kept awaiting for posting order by the special order of Secretary Irrigation Department, Rajasthan, Jaipur. He got his salary from 21-10-1971 to 31-12-1971 vide order of the Government from Chambal Project. It is alleged that eventually after correspondence between the two departments i.e. Irrigation and Education, the petitioner was finally relieved from Chambal Project on 31-12-1971, and joined the office of the Deputy Director Education, Udaipur Kota Range, Udaipur for further posting orders as U.D.C. (surplus) from the Chambal Project Kota. Copy of the order dated 22-12-1971 has been placed on the record as Annex. 18. The Deputy Director of Education respondent No. 3 posted the petitioner as U.D.C. at the Government Secondary School, Geegla - Udaipur by the order dated 10-1-1972. In pursuance of this order the petitioner submitted joining report along with his Last Pay Certificate to the Headmaster Higher Secondary School, Geegla on 11-1-1972. Thereafter, he proceeded on leave with the permission of the Head Master, Secondary School Geegla and rejoined on 1-6-1973. But the Headmaster did not pay his Salary, T.A. and medical bills. The petitioner again remained on leave upto 31-5-1973 on account of sickness and otherwise. It is alleged that the petitioner also approached various authorities but without any result and finally the petitioner went on Dharna before the office of the Director Education who vide letter dated 27-12-1988 directed the Deputy Director Education, Udaipur for deciding the matter and making payment to the petitioner. Copy of this letter has been placed on the record as Ex.25. But still the petitioner did not get any relief. Therefore, the petitioner has approached this Court by filing the present writ petition.

3. Notices were issued to the respondents and time was given to the Government Advocate to file reply from time to time, but inspite of several adjournments, on reply has been filed.

4. Looking to the facts and circumstances of this case, the respondents are directed to pay all dues of the petitioner according to law and comply with the direction given by the Director, Education, Bikaner vide letter dated 27-12-1988 (Ex.25) within a period of two months from today.

5. The writ petition is accordingly disposed off.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com