

Smt. Ambica Devi Vs. State and ors.

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Court : Rajasthan

Decided On : Feb-04-1993

Reported in : 1993WLN(UC)101

Judge : A.K. Mathur, J.

Appeal No. : S.B. Civil Writ Petition No. 3917 of 1991

Appellant : Smt. Ambica Devi

Respondent : State and ors.

Disposition : Petition allowed

Judgement :

A.K. Mathur, J.

1. Heard learned Counsel for the parties and perused the record.
2. The petitioner by this writ petition has prayed that by an appropriate writ order or direction petitioner may be re-appointed to the post of teacher as she was holding at that time of her re-appointment from 1.1.1987 to 31.12.1988 and she may be paid her salary alongwith other allowances.
3. The brief facts which are necessary for disposal of this writ petitions are that the petitioner was serving as a teacher at Gadra City in Tharparkar district of the

erstwhile province of Sindh, now a part of Pakistan had to migrate to India on account of the disturbances and she became a displaced person. The petitioner was given appointment as a teacher in Jai Hind Sindhi Middle School, Gopalji ka Rasta, Jaipur on 1.11.1951 and served this school till 15.8.1981 when she was appointed on a post of teacher in Government School, Barmer vide order dated 13.8.1983. While serving there she received a letter on 13.7.83 that she has attained the age of 55 years on 3.12.83, therefore, she will stand retired from service w.e.f. 31.12.1983. She submitted representation to the government that she is entitled to continue upto the age of 58 years, therefore, she filed an appeal before the Rajasthan Civil Services Appellate Tribunal and the Tribunal by its order dt. 13.7.1983 dismissed the appeal therefore, petitioner filed a writ petition which came to be registered as S.B. Civil Writ Petition No. 886 of 1986. This writ petition was allowed by this Court and it was held that the petitioner is entitled to continue upto 58 years. This case is reported in 1987 (WLN (UC) 227). By virtue of this judgment, petitioner was allowed to continue and ultimately she was taken back in service and she was sought to be retired on 31.12.1986 on attaining the age of 58 years. But subsequently, it was found that the petitioner being a displaced person, therefore, she is entitled to continue upto the age of 60 years by virtue of the notification of the Government No. F. 6(d) (934)Edu/Call/vii/87 dated 4.8.1967, therefore petitioner was given the appointment from 16.5.1988 till 31.12.88 when she attained the age of 60 years. But no appointment was given to the petitioner from 1.1.87 to 15.5.88, therefore, petitioner has approached this Court by filing the present writ petition praying that she was entitled to continue upto the age of 60 years and she was retired on 31.12.86 but she was not given the appointment for a period 1.1.1987 to 15.5.1988 as she was entitled to because she was displaced person from Pakistan, she was entitled to continue upto the age of 60 years. But no appointment was given to her from 11.87 to 15.5.88.

4. The grievance of the petitioner appears to be genuine as petitioner was entitled to continue upto the age of 60 years, therefore, she was retired on 31.12.1988 on attaining the age of 60 years. The Government realised the position and gave the benefit to the petitioner from 16.5.88 to 31.12.1988 but she was deprived the appointment from 1.1.1987 to 15.5.1988. However, since petitioner has now on attaining the age of 60 years, therefore, she should be paid a salary for wrongfully

deprived her the appointment from 1.1.1987 to 15.5.88.

5. In the result, the writ petition is allowed and the respondents are directed to pay the salary to the petitioner from 1.1.1987 to 15.5.1988 of the post which she was entitled in accordance with law within a period of three months from today. She will be entitled to a interest at the rate of 9% for this period.

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