

(2018) 08 CHH CK 0083
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5137 Of 2017

Dr. Seema Jaiswal

APPELLANT

Vs

Ayush And Health Sciences University And Ors

RESPONDENT

Date of Decision : 03-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0083

Hon'ble Judges : Sharad Kumar Gupta, J

Bench : Single Bench

Advocate : Neeraj Choubey, N.K. Vyas, Anurag Dayal Shrivastava

Final Decision : Disposed Of

Judgement

Sharad Kumar Gupta, J

1. By this order, I.A. No. 2 application for vacating the order of stay dated 27-9-2017 and dismissal of writ petition is being disposed of.

2. Counsel for the respondents No. 3 to 5 argued that the impugned order Annexure P-1 dated 5-9-2017 has been withdrawn by order Annexure R-

3/1 dated 12-12-2017, thus no cause of action survives for adjudication. Thus, interim order be vacated and this writ petition may also be dismissed.

3. Counsel for the petitioner argued that the petitioner has claimed the relief for grant of prescribed pay scale, EPF amount, arrears of an annual

increment, etc. The relief clause- II, III and IV of para 10 still survive, thus I.A. No. 2 may be dismissed.

4. By order dated 25-6-2018, this Court has given finding that there is no necessity of stay of the effect and operation of Annexure P- 1 because

Annexure P-1 has been withdrawn by order Annexure R-3/1. Thus, relief of Clause 10(I) does not survive as Annexure P-1 has been withdrawn.

5. The petitioner has also claimed in Clause 10(II) to direct the respondents to allow her to join service along with consequential benefits including grant of pay scale as prescribed by the respondent/ University from the initial date of appointment.
6. The petitioner has also claimed in Clause 10(III) that exemplary cost may be imposed upon respondent No. 4 and 5 for torturing, exploiting, etc.
7. The petitioner failed to show that she had given the representation in writing to the competent authority regarding grant of pay scale as prescribed by the respondent University from initial date of her appointment.
8. Looking to the above mentioned facts and circumstances of the case, the respondents are directed that if the petitioner has not joined then allow her to join the service and give her consequential benefits as per law. The petitioner has liberty to submit representation in writing before competent authority regarding the grant of pay scale as allegedly prescribed by the respondent University from the initial date of her appointment. This Court is not inclined to impose any cost upon respondents no. 4 and 5.
9. Consequently, I.A. No. 2 as well as the instant writ petition are disposed of.