
(2018) 03 DEL CK 0248

In the Delhi High Court

Case No : Civil Writ Petition No. 4686 Of 2017

Mehjabin Kousar

APPELLANT

Vs

Director Of Education & Anr

RESPONDENT

Date of Decision : 19-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0248

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ashok Agarwal, Santosh Kumar Tripathi, Shahsank S.Tiwari, Rajiv Mishra, Shruti Sharma

Final Decision : Disposed Off

Judgement

1. Petitioner claims to be suspended on 9th September, 2016 vide order (Annexure P-2) and had sought payment of subsistence allowance vide letters (Annexure P-3 Colly) in January, February, March and May, 2017. Learned counsel for petitioner submits that neither any response to the said letters was received by petitioner nor subsistence allowance was paid to her. By way of this writ petition, revocation of the suspension order of 9th September, 2016 (Annexure P-2) is sought with direction to respondent-school to pay full salary for the period of suspension. As per interim order of 17th August, 2017, counsel for respondent-school had informed that petitioner's suspension stood revoked from 24th September, 2016 and despite revocation of petitioner's suspension, she had not resumed the duties. While refuting the aforesaid stand of respondent-school, learned counsel for petitioner submits that no material has been placed on record to show as to when the revocation order was conveyed to petitioner.

2. Upon hearing and on perusal of impugned order (Annexure P-2) and the material on record, I find that the challenge to impugned order no longer survives as it has been already revoked on 7th September, 2016 and its approval was sought from respondent-Directorate of Education vide letter of 9th

September, 2016. Along with counter affidavit filed by the respondent-school, a Communication of 24th September, 2016 has been annexed which indicates that petitioner had been informed that her suspension has been revoked and she was called upon to join the duties within three days, failing which it shall be presumed that petitioner was not interested in joining the respondent-school. The said Communication of 24th September, 2016 was sent by speed post to petitioner. Interim order of 17th August, 2017 reveals that petitioner's counsel had denied receiving the aforesaid Communication of 24th September, 2016 vide which petitioner's suspension was revoked. However, vide said interim order, petitioner was permitted to join her duties and it is now informed that she had accordingly joined her duties. Now what survives is petitioner's claim for the payment of salary/subsistence allowance for the period from the date of suspension till petitioner had joined back the duty. Since it is petitioner's case that her application for payment of subsistence allowance has not been dealt with by the respondent-school, therefore, it is deemed appropriate to dispose of this petition with direction to respondent-school to pass a speaking order on petitioner's application for subsistence allowance of 1st December, 2016 within a period of six weeks and the fate of said application be conveyed to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

3. With aforesaid directions, this petition is disposed of.