

(2009) 06 AHC CK 0101
In the Allahabad High Court

Sanjay Kumar Mishra

APPELLANT

Vs

State of U.P.Thru Secy.Sec.Education & Others

RESPONDENT

Date of Decision : 12-06-2009

Acts Referred:

Citation : (2009) 06 AHC CK 0101

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioners and the learned Standing Counsel for the opposite parties no. 1 to 4.

Issue notice to the opposite parties no. 5 and 6 returnable within six weeks.

Steps be taken within a week.

List this case immediately after six weeks.

The petitioners have challenged the order dated 15.05.2009 (Annexure1 to the writ petition) passed by the District Inspector of Schools, Barabanki whereby the petitioners' salary has been stopped on the ground that the petitioners' appointment has been made without approval of the Regional Committee constituted under the Government Order dated 19.12.2000.

The appointment of the petitioners is under enquiry.

Learned counsel for the petitioners submits that the petitioners have been appointed with the prior approval of the District Inspector of Schools, Barabanki, who has also accorded financial approval to the petitioners' appointment by means of letter dated 01.07.2008 pursuant to which the petitioners have received their salary till April, 2009. Now on the basis of the impugned order, the petitioners' salary has been stopped. It has further been submitted that under the U.P. Payment of Salaries Act, 1971 the District Inspector of Schools alone is authorized to grant financial approval for payment of salary.

It is not in dispute that the District Inspector of Schools, Barabanki accorded financial approval of the petitioners' appointment. Once the financial approval has been accorded by the competent authority under the statutory provisions, the Committee constituted under the Government Order has no role to play in the matter. Therefore, the petitioners' salary cannot be stopped on the ground that no approval was accorded by the Regional Committee.

Considering the facts and circumstances of the case, I find force in the submission of the learned counsel for the petitioners. Therefore, I hereby stay the operation of the impugned order dated 15.05.2009 passed by the District Inspector of Schools, Barabanki, till further orders of this Court.