

Court No. - 7

Case :- WRIT - A No. - 7282 of 2023

Petitioner :- Prabha Savita

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education Lko. And Another

Counsel for Petitioner :- Dharmendra Kumar Misra

Counsel for Respondent :- C.S.C., Abhinav Singh

Hon'ble Abdul Moin, J.

Heard learned counsel for petitioner, learned Standing Counsel for the State-respondents and Sri Abhinav Singh, learned counsel for BSA, Unnao.

With the consent of learned counsel appearing for the contesting parties, the instant writ petition is being finally decided.

Under challenge in this petition is the order dated 11.07.2023, a copy of which has been annexed as annexure no.1 to the writ petition, whereby salary of the petitioner who is working on the post of Assistant Teacher, has been stopped. The reasons as emerge from the order impugned are that the petitioner is not taking interest in her work and is working arbitrarily which requires stopping of her salary.

The argument is that without initiation of any disciplinary proceedings or without placing the petitioner under suspension who is a regular employee, by no stretch of imagination can the respondents stop the salary of the petitioner.

On the other hand, Sri Abhinav Singh, learned counsel for BSA submits that as the petitioner was acting in an arbitrary manner and was not complying with the orders that were passed consequently the respondent no.2 had no option but to stop the salary of the petitioner.

Having heard the learned counsel appearing for the contesting parties and having perused the record what emerges from the impugned order is that respondent no.2 has passed the order stopping the salary of the petitioner on the ground that the petitioner is acting in an arbitrary manner. Once the petitioner is a regular assistant teacher obviously she is expected to adhere to the orders that may be passed by the superior authority but without resorting to disciplinary proceedings or passing of an order in accordance with law obviously the salary of the petitioner cannot be stopped.

Considering the aforesaid, the writ petition is allowed. The order impugned dated 11.07.2023, a copy of which has been annexed as annexure no.1 to the writ petition, so far as it relates to the petitioner is quashed.

Consequences to follow.

However, it is open for the respondent no.2 to proceed afresh against the petitioner in accordance with law.

Order Date :- 3.10.2023

Renu/-