

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 1949 (SS) OF 2005

Smt. Krishna Negi (Krishna Rana),
Wife of P.S.S. Negi, Resident of
Ajabpur Khurd, Pushp Kunj Lane No. 3,
Dehradun.Petitioner.

Versus

1. Tehri Hydro Development Corporation through its
Managing Director A-10, Sector-1 Kribho Bhawan Noida
(U.P.).
2. The Director (Personal)
Tehri Hydro Development Corporation,
A-10, Sector 1, Kribhco Bhawan,
Noida (U.P.).
3. The Secretary, Tehri Hydro Development Corporation,
Education Management Board, Bhagirathipuram, Tehri
Garhwal.Respondents.

23.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri Vikas Pande, learned counsel for the petitioner
and Sri Shobhit Saharia, learned Standing Counsel for the
respondents.

Both the parties have agreed that let the matter be finally
disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for
a writ of mandamus commanding the respondents to permit the
petitioner to resume her duty as Assistant Teacher in the
Institution along with al consequential benefits.

Briefly stated, the petitioner was initially appointed as
Assistant Teacher in the erstwhile Junior High School
Vishwakarmapuram (Koti) Tehri, vide order dated 01.08.1985.

At that relevant time, the aforesaid Institution was under the Irrigation Department of the State of U.P. and presently is under the Management and control of the Tehri Hydro Development Corporation.

During the entire service period, the work and performance of the petitioner was found satisfactory by his superior and there was no complaint whatsoever against the petitioner.

After marriage and during the sanctioned leave period, the petitioner sustained back injury and could not resume her duty.

The petitioner remained under medical treatment for a long period due to her back injury sustained by the petitioner and during the aforesaid period under treatment, the petitioner has continuously been sending the medical certificate to the respondents in support of her being under treatment.

The petitioner was fully recovered in the month of March, 1999 and when she went to resume her duty, the petitioner was not allowed to join her duty.

When the petitioner was not allowed to join her duty, she submitted a representation on the same day i.e. on 28.03.1999 but of no avail.

The said representation was replied by the respondent no. 3 vide letter dated 15.11.1999 after a period of 8 months informed the petitioner that she had absented herself with effect from 14.01.1989.

Petitioner has submitted that she did not get herself absented but was granted leave by the authority concerned.

In the aforesaid reply dated 15.11.1999, it was stated that the petitioner was asked to remain present on duty vide letter dated 29.07.1999.

Petitioner has submitted that the letter dated 29.07.1999 was never received by her.

Thereafter the petitioner again submitted a representation dated 10.01.2000 but again of no avail.

The short grievance of the petitioner is that he has made representations dated 28.03.1999 and 10.01.2000 (Annexures No. 5 and 6), but the same has not yet been decided.

In view of the above, liberty is given to the petitioner to file a fresh representation before the authority concerned. If such a representation is filed along with the old representation, the same shall be disposed of as early as possible.

Writ petition is disposed of accordingly at the admission stage. No order as to costs.

(Rajesh Tandon, J.)

23.12.2005
Rathour