

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.C. (S.B.) No. 14 of 2008

1. The President, Millat Academy, Jharia, at Raja Manzil, Phal Mandi, P.O. & P.S. Jharia, District-Dhanbad.
2. The Secretary, Millat Academy, Jharia, P.O. & P.S. Jharia, District-Dhanbad.

... **Appellants**

Versus

Shabina Khatoon wife of Sefavat Hussain, Presently resident of village Millat Academy, Jharia Upper Kulhi, P.O. & P.S. Jharia, District-Dhanbad.

... **Respondent**

Coram:HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants : Mr. Arun Kumar, Adv.
For the Respondent : Mr. Md. Hatim, Adv.

JUDGMENT

Dated:- 10.07.2025

By Court:-

Heard learned counsel for the appellants as well as learned counsel for the respondent.

2. Instant appeal case has been preferred against the order dated 15.04.2008 passed by learned J.E.T., Ranchi in Case No. 53 of 2007 (J.E.T.) whereby and whereunder the order of suspension dated 12.07.2004 has been set aside by holding that the respondent shall be deemed to put in service and shall be entitled to pay in full the suspension period with interest @ 12% per annum.
3. Learned counsel for the appellants submits that the respondent (Smt. Shabina Khatoon) has filed a case No. 53 of 2007 before the Jharkhand Education Tribunal, Ranchi for setting aside her suspension of the order dated 12.07.2004 issued under the Signature of President of

School in question i.e. Millat Academy, Jharia, District-Dhanbad whereby the respondent was put under suspension with effect from 12.07.2004 only on the ground that no subsistence allowance has been fixed during the period of suspension as well as the headquarter, where she has to put her attendance. The learned tribunal without taking into consideration of the fact that the petitioner (respondent herein) had already joined service before filing of this case and never attended the school inspite of that the order was passed to pay subsistence allowance to the delinquent applicant from the date of suspension with interest @ 12 % per annum. It is further submitted that an I.A. No. 976 of 2019 is also pending for hearing wherein it is specifically stated by appellants that the respondent was not a permanent employee of the appellants (School) and she was appointed on ad-hoc basis and paid some Sahyog Rashi depending on the number of classes.

4. After long absence of ten months, the respondent suddenly appeared and insisted for her engagement and tried to create nuisance in the school by putting pressure on school management hence, letter of suspension was issued against her. The appellants have taken specific plea that the respondent is still working as a teacher in another school at Chetriya High School, Khodaibag (**Annexure-6** of the Interlocutory application) which shows that she joined the said school on 04.12.2006. Since the respondent was never appointed on salary basis and was never a permanent employee and she was only been suspended rather terminated from service due to absence of considerable period. Therefore, order passed by learned tribunal for payment of subsistence allowance to the respondent is absolutely illegal and not sustainable.

5. On the other hand, learned counsel for the respondent Md. Hatim has fairly admitted that he could not contact with the respondent inspite of specific endeavor and no communication has been made by her in respect of this case and not taking any steps for hearing of this appeal.
6. In view of the above submission of the learned counsel for the appellants as well as learned counsel for the respondent and the nature of job of the respondent which was on ad-hoc and temporary basis and she is also working in another school as per Annexure-6 appended with I.A. No. 976 of 2019. I find merits in this appeal, therefore impugned judgment is hereby set aside and this appeal is **allowed**.
7. Pending I.A. No. 976 of 2019 is also disposed of in view of final disposal of this appeal.

(Pradeep Kumar Srivastava, J.)

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