

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5361 of 2012

- Smt. Sharda Tiwari W/o Vijay Kumar Tiwari Aged About 29 Years R/o Imlibhata, Post Mahasamund, PS & Distt Mahasamund (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department Of Urban Administration, Mantralaya, Naya Raipur, Distt Raipur, (CG)
2. Nagar Panchayat Tumgaon Through Chief Municipal Officer, Tumgaon, Ps Mahasamund, Distt Mahasamund (CG)
3. Zila Panchayat Mahasamund, Through Chief Executive Officer, Mahasamund, PS & Distt Mahasamund (CG)

---- Respondent

For Petitioner	Mr. Jitendra Pali, Advocate
For Respondent/State	Mr. Bhaskar Pyasi, Panel Lawyer for the State.
For Respondent No.2	Mr. Saurabh Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

12/10/2015

Heard.

(2) The petitioner, who is working as Shiksha Karmi Grade-II, is aggrieved by the order passed by the Zila Panchayat, Mahasamund, whereby, she has been rationalized and posted from Government High School, Tumgaon to Government Primary School, Mahasamund.

(3) It appears that the petitioner was appointed as Shiksha Karmi Grade-II in July 2008 under an order passed by the Zila Panchayat, Mahasamund and was posted at High School, Tumgaon. In due course of time, Gram Panchayat, Tumgaon was upgraded and a local authority under the C.G.

Municipalities Act, 1961 was constituted on 07.05.2009. Since thereafter, Gram Panchayat, Tumgaon became Nagar Panchayat, Tumgaon.

(4) According to the petitioner, she was treated as an employee of Nagar Panchayat, Tumgaon and in the process of rationalization undertaken in the year 2009, she was not included in the list of teachers available for rationalization. However, in the subsequent process of rationalization undertaken in the year 2012, the Zila Panchayat has passed the impugned order.

(5) Learned counsel appearing for respondent No.2-Nagar Panchayat Tumgaon would submit that the petitioner is drawing salary from Nagar Panchayat, Tumgaon. However, because of the interim order passed by this Court, the issue concerning petitioner's absorption in the cadre of Shiksha Karmi Grade -II Nagari Nikay has remained undecided.

(6) Zila Panchayat, Mahasamund has not responded to the notice issued by this Court.

(7) For the foregoing, the writ petition is disposed of with a direction that the Directorate of Urban Administration and Development, Government of Chhattisgarh, shall decide the issue concerning the petitioner's absorption as Shiksha Karmi Grade-II, Nagari Nikay in Nagar Panchayat, Tumgaon. Let the decision be taken by the concerned authority expeditiously preferably within a period of 06 months from today. Till the decision is taken, the interim order passed earlier shall continue. However, it will be open for the petitioner to move afresh in case of any adverse order.

Sd/-

Judge

(Prashant Kumar Mishra)