

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5776 of 2014

1. Rakeshwar Singh Koushik, Age - 48 years, S/o Shri Dalganjan Singh Koushik, Assistant Teacher (Panchayat), at present posted At Govt. Boys Primary School At Nargoda.
2. Yogesh Kumar Bhardwaj, Age 41 Years, S/o Shri Siyaram Bhardwaj, Assistant Teacher (Panchayat), at present posted At Govt. Primary School Jhalmala.
3. Ashok Kumar Tengwar, age 41 years, S/o Lt. Shri Sawant Ram Tengwar, Post Assistant Teacher (Panchayat), at present posted At Govt Boys Primary School at Narogda.
4. Smt Anjani (Banjare) Tengwar, Age 30 years, W/o Ashok Kumar Tengwar, by post Assistant Teacher (Panchayat), at present posted At Govt Boys Primary School Nargoda.
5. Ashok Kumar Sawle, Age 30 years, S/o Shri Purushottamlal Sawle by post Assistant Teacher (Panchayat), at present posted At Govt. Primary School At Jhalmala.

All the above petitioners - Block Education Office - Masturi, Janapd Panchayat Masturi, Zila Panchayat Bilaspur PS Seepat & Tahsil Masturi Civil – Revenue District Bilaspur (CG)

---- Petitioners

Versus

1. The State Of Chhattisgarh Through The Secretary/under Secretary Department Of Panchayat And Rural Development New Mantralaya Mahanadi Bhawan New Raipur, District Raipur (CG)
2. The Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur (CG)
3. The Chief Executive Officer Janpad Panchayat Masturi District Bilaspur (Chhattisgarh)
4. Block Education Officer, Masturi, Civil-Revenue District. Bilaspur (Chhattisgarh)

---- Respondents

For Petitioners : Shri JA Lohani, Advocate.

For Respondent/State : Shri PK Bhaduri, GA with Shri S. Majid Ali, PL.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/07/2015

1. In this petition, the petitioners, who are working as Assistant Teachers (Panchayat) have claimed the following reliefs:-

10. Relief's Soughts:-

(i) That this Hon'ble Court kindly be pleased to issue a writ to the respondents to produce the entire record pertaining to Departmental Promotion list for year 2012-13 (Arts) Annexure-P/2.

(ii) That this Hon'ble Court may kindly pass suitable directions to the respondents to consider the case of petitioners by giving the promotion as been prescribed under Rule-09 of C.G. Teacher (Panchayat) Cadre (Recruitment and Condition of Service) Rules, 2012 and C.G. Public Service (Promotion) Rules, 2003 made by Departmental Promotion Committee of Jila Panchayat as specified in Schedule-IV.

(iii) And further, allow this Writ-Petition by passing other relief in favor of petitioners directing the respondent-authority to pay the Salary at pay-scale of Rs.9300-34800-4200 in place of Rs.5200-20200+2400 in view of Circular/Order dtd. 01/05/2012 the benefit of "Samayman-Vetanman" and Order – 17/05/2013 "Kramonnati-Vetanman" for the post of Assistant-Teacher (Panchayat), including all consequential benefits & its arrears.

(iv) And further, allow this Writ-Petition by passing any other relief(s) in favor of petitioner by passing appropriate directions to the respondents as may deemed fit by this Hon'ble Court."

2. Insofar as relief clause No.10(iii) is concerned, the issue has already been dealt with and decided in WPS No.106/2014 {**Marisha Shrivastava and another Vs. State of Chhattisgarh and others**, and other connected matters, therefore, for the said relief, the writ petition is decided in the same terms.
3. As regards relief clause 10.(ii), the petitioners have prayed for issuance of direction to the respondents to consider their cases for promotion in accordance with Rule 9 of the Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012.
4. The writ petition would not reveal that any such final exercise for promotion to the post of Teacher (Panchayat) has been undertaken by the Zila Panchayat, Bilaspur. Thus, the relief prayed for in this regard is premature. However, it is observed that as and when the exercise is undertaken by the Zila Panchayat, the petitioners' names may be considered in accordance with law.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve