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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.32 of 2015**

1. Dinesh Kumar Dewangan S/o Maglu Ram Dewangan Aged About 34 Years R/o Jhalap, Post Jhalap, Police Station Patewa, Civil & Revenue District Mahasamund, Chhattisgarh
2. Smt. Poonamlata Sahu W/o Sohan Lal Sahu Aged About 35 Years R/o C/o Dukalu Ram Sahu Ayodhya Nagar PS. Civil & Revenue Dist. Mahasamund, Chhattisgarh
3. Smt. Ragini Chandrakar W/o Jitendra Chandrakar Aged About 32 Years R/o Aadarsh Nagar Mahasamund PS Mahasamund, Civil & Rev. Dist. Mahasamund, Chhattisgarh
4. Smt. Premlata Chandrakar, W/o Dwarika Prasad Chandrakar (wrongly typed as "Dwarika Pradas Chandrakar") Aged About 37 Years R/o New Bus Stand Jhalap PS. Patewa Civil & Rev. Dist. Mahasamund, Chhattisgarh
5. Smt. Maheshwari Sahu W/o Ram Sahu Aged About 43 Years R/o Govt. Higher School Bencha PS. Mahasamund Civil & Revenue Dist. Mahasamund, Chhattisgarh

---- Appellants**versus**

1. State of Chhattisgarh S/o Through Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh
2. Zila Panchayat Mahasamund Through Its Chief Executive Officer Zila Panchayat Mahasamund District Mahasamund Chhattisgarh
3. Chief Executive Officer Mahasamund District Mahasamund Chhattisgarh
4. Block Education Officer, Pithora Mahasamund District Mahasamund Chhattisgarh
5. Smt. Archana Ogre W/o Jagdish Ogre Aged About 31 Years R/o Jhalap Chhilpawan Chowk PS. Patewa Civil & Rev. Dist. Mahasamund Chhattisgarh

---- Respondents**Writ Appeal No.62 of 2015**

Sachin Tripathi S/o Shri Shyam Bihari Tripathi Aged About 39 Years R/o Namankala, Mangal Pandey Ward No. 10, Ambikapur, Police Station Sarguja District Sarguja C.G. Presently Posted As Lecturer Panchayat Shiksha Karmi -I, Government Higher Secondary School, Majira District Surajpur Chhattisgarh

---- Appellant**versus**

1. State of Chhattisgarh Through its Secretary, Panchayat & Rural Development, Mantralaya Mahanadi Bhawan Naya Raipur Raipur Chhattisgarh
2. Chief Executive Officer Zila Panchayat, Surguja, Dist Surguja, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat, Mainpat, Distt Surguja, Chhattisgarh

---- Respondents

Writ Appeal No.108 of 2015

Ramesh Kumar Yagik S/o Satyanarayan Yagik Aged About 43 Years
R/o Village And Post Sitapur P.S. & Tahsil Sitapur District Surguja C.G.
Presently Posted As Lecturer Panchayat, Siksha Karmi - I,
Government Higher Secondary School, Songara, Kamleshwarpur,
District - Surguja Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through Its Secretary, Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. Chief Executive Officer Zila Panchayat Surguja, District Surguja C.G.
3. Chief Executive Officer Janpad Panchayat Mainpat, District Surguja Chhattisgarh

---- Respondents

Writ Appeal No.61 of 2015

Jawahar Prasad Xalxo S/o Lt. Shri Jagannath Xalxo, Aged About 41 Years
R/o Boda, Post Bilaspur P.S. & Tahsil Batoli, District Surguja C.G. Presently Posted As Lecturer Panchayat Siksha Karmi -I,
Government Higher Secondary School, Boda, District Surguja C.G.

---- Appellant

versus

1. State of Chhattisgarh Through its Secretary Panchayat & Rural Development Mantralaya Mahanadi Bhawan Naya Raipur, Raipur C.G.
2. Chief Executive Officer Zila Panchayat, Surguja Distt. Surguja C.G.

---- Respondents

Writ Appeal No.59 of 2015

Rakesh Kumar Singh S/o Shri Bhadra Prasad Aged About 38 Years
R/o Village Ropakhar, Post Kamleshwarpur, PS Mainpat, Distt. Surguja C.G. Presently Posted As Lecturer Panchayat, Siksha Karmi-1, Govt. High School, Sarbhanja, Distt. Surguja Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through Its Secretary, Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur C.G.
2. Chief Executive Officer Zila Panchayat Surguja, Distt. Surguja C.G.

---- Respondents

Writ Appeal No.58 of 2015

Sukhendra Singh Chouhan S/o Late Surendra Singh Chouhan Aged About 34 Years
R/o Village Govindgarh Post Baijnath P.S. Jhilmili District Surguja C.G. Presently Posted As Lecturer Panchayat Siksha Karmi -I, Government Girls Higher Secondary School Karji, District Surguja Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through its Secretary Panchayat & Rural Development Mantralaya Mahanadi Bhawan Naya Raipur Raipur Chhattisgarh

2. Chief Executive Officer Zila Panchayat, Surguja Ambikapur Distt. Surguja Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Bhaiyathan, Distt. Surguja Chhattisgarh

---- Respondents

Writ Appeal No.158 of 2015

Smt. Nya Naik W/o Shri Jitendra Naik Aged About 39 Years R/o Gurunanak Chowk Mourya, Complex, Torwa, Bilaspur Police Station Torwa, Bilaspur, Presently Posted As Lecturer Panchayat, (Shiksha Karmi Grade - I) Government Higher Secondary School, Darrighat, Masturi, Bilaspur Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. Joint Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
3. Chief Executive Officer Zila Panchayat, Bilaspur, District Bilaspur Chhattisgarh
4. Chief Executive Officer Janpad Panchayat, Masturi, District Bilaspur, Chhattisgarh

---- Respondents

Writ Appeal No.318 of 2015

1. Shantanu Sahu S/o Late Shri Punit Ram Sahu Aged About 44 Years Presently Posted As Lecturer (Panchayat), Government Higher Secondary School, Sankara, Tehsil Nagri, District Dhamtari, Chhattisgarh
2. Devanand Sahu S/o Shri Ram Dayal Sahu Aged About 36 Years Presently Posted As Lecturer (Panchayat), Government Higher Secondary School, Sihawa, Tehsil Nagri, District Dhamtari, Chhattisgarh
3. Ravindra Kumar Sahu S/o Shri Khemlal Sahu Aged About 40 Years Presently Posted As Lecturer (Panchayat), Government High School, Aamgaon, Tehsil Nagri, District Dhamtari, Chhattisgarh
4. Smt. Anju Prajapati W/o Shri Suresh Prajapati Aged About 39 Years Presently Posted As Lecturer (Panchayat), Government Higher Secondary School, Sankara, Tehsil Nagri, District Dhamtari, Chhattisgarh

---- Appellants

versus

1. State of Chhattisgarh Through Its Secretary, Department of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Department of Finance, Through Its Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Directorate of Panchayat, Through The Director, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
4. Zila Panchayat Dhamtari, Through The Chief Executive Officer, Zila Panchayat Dhamtari, Zila Panchayat Office, Dhamtari, District Dhamtari, Chhattisgarh
5. Bhojraj Sahu S/o Shri Sahdev Ram Sahu Aged About 36 Years Presently Posted As Lecturer (Panchayat), Government High School, Tangapani, Tehsil Nagri, District Dhamtari, Chhattisgarh

---- Respondents

Writ Appeal No.367 of 2015

Smt. Sarita Nirmalkar W/o Shri Radheshyam Nirmalkar Aged About 34 Years Presently Posted As Lecturer (Panchayat), Government Raghuraj Singh Deo Higher Secondary School, Lakhanpuri, Block Charama, Tehsil Charama, District Kanker, Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Department of Finance, Through Its Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Directorate of Panchayat, Through The Director, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
4. Zila Panchayat Kanker, Through The Chief Executive Officer, Zila Panchayat Kanker, Zila Panchayat Office, Kanker, District Kanker, Chhattisgarh
5. Janpad Panchayat Mainpur, Through Its Chief Executive Officer, Janpad Panchayat Mainpur, Mainpur, District Gariyaband, Chhattisgarh

---- Respondents

Writ Appeal No.546 of 2015

Sheela Kashyap W/o Shri Devprasad Kashyap Aged About 47 Years R/o Village & Post Udaypur Thana Udaypur District Surguja (Chhattisgarh) Presently Posted As Panchayat, Siksha Karmi- I, Government Higher Secondary School, Dandgaon, District Surguja (Chhattisgarh)

---- Appellant

versus

1. State of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Surguja District Surguja (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Surguja, District Surguja (Chhattisgarh)

---- Respondents

Writ Appeal No.551 of 2015

Motilal Rajwade S/o Shri Ramdas Rajwade Aged About 52 Years R/o Village & Post Udaypur Thana Udaypur District Surguja (Chhattisgarh) Presently Posted As Panchayat, Siksha Karmi - I, Government Higher Secondary School, Dandgaon, District Surguja (Chhattisgarh)

---- Appellant

versus

1. State of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Surguja District Surguja (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Udaypur District Surguja (Chhattisgarh)

---- Respondents

Writ Appeal No.398 of 2014

Khijan Lal Sahu S/o Ramnath Sahu Aged About 42 Years Presently
Posted As Lecturer(Panchayat) Govt. High School Devpur Tah. Nagri
Dist. Dhamtari Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through The Secretary Department of Panchayat And Rural Development Mahanadi Bhawan Mantralaya New Raipur District Raipur, Chhattisgarh
2. Department of Finance, Through Its Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur Chhattisgarh
3. Directorate of Panchayat, Through The Director, Indravati Bhawan, Naya Raipur, Distt. Raipur Chhattisgarh
4. Zila Panchayat Dhamtari, Through The Chief Executive Officer, Zila Panchayat Dhamtari, Zila Panchayat Office, Dhamtari, Distt. Dhamtari, Chhattisgarh
5. Premlal Sahu S/o Shri Shivram Sahu Aged About 42 Years Presently Posted As Lecturer (Panchayat), Govt. Higher Secondary School, Sankara, Tahsil Nagri, Distt. Dhamtari, Chhattisgarh
6. Mukesh Kumar S/o Shri Balaram Sahu Aged About 44 Years Presently Posted As Lecturer (Panchayat), Govt. High School, Tangapani, Tahsil Nagri, Distt. Dhamtari, Chhattisgarh
7. Naresh Chadra Som S/o Shri Domar Singh Som Aged About 43 Years Presently Posted As Lecturer (Panchayat), Govt. Higher Secondary School, Belargaon, Tahsil Nagri, Distt. Dhamtari, Chhattisgarh
8. Mannu Lal S/o Shri Sadaram Sahu Aged About 46 Years Presently Posted As Lecturer (Panchayat), Govt. Higher Secondary School, Ghutkel, Tahsil Nagri, Distt. Dhamtari, Chhattisgarh

---- Respondents

Writ Appeal No.413 of 2014

1. Manoj Kumar Dadsena S/o Shri Nemichand Dadsena Aged About 40 Years Presently Posted As Lecturer (Panchayat), Govt. Higher Secondary School, Adenga, Tah Keshkal, Dist Kondagaon, Chhattisgarh
2. Smt. Sushma Singh W/o Shri Deepak Singh Thakur Aged About 37 Years Presently Posted As Lecturer Panchayat, Government Higher Secondary School, Kibailenga, Tehsil Kondagaon, Distt. Kondagaon Chhattisgarh
3. Tukeswar Shandilya S/o Shri Jairam Shandilya Aged About 30 Years Presently Posted As Lecturer Panchayat, Government High School, Boregaon, Tehsil Farasgaon, Distt. Kondagaon Chhattisgarh
4. Tuladas Manikpuri S/o Shri Bahaloodas Manikpuri Aged About 33 Years Presently Posted As Lecturer Panchayat, Government High School, Chindwaha, Tehsil Darbha, Distt. Bastar Chhattisgarh

---- Appellants

versus

1. State of Chhattisgarh Through the Secretary, Department of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist Raipur, Chhattisgarh
2. Department of Finance, Through Its Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur Distt. Raipur Chhattisgarh
3. Directorate of Panchayat Through The Director, Indravati Bhawan, Naya Raipur Distt Raipur Chhattisgarh
4. Zila Panchayat Bastar Through The Chief Executive Officer, Zila Panchayat Bastar, Zila Panchayat Office, Jagdalpur, Distt. Bastar Chhattisgarh

5. Tularam Koliyara W/o Shri Sahanoo Ram Aged About 31 Years Presently Posted As Lecturer Panchayat, Government Higher Secondary School Badedongar, Tehsil Farasgaon, Distt. Kondagaon Chhattisgarh

---- Respondents

Writ Appeal No.415 of 2014

1. Sunil Kumar Patel S/o Jagdish Prasad Patel Aged About 35 Years Lecturer (Panchayat), Govt. Higher Secondary School, Sankara, Block & PS Pithora, Dist Mahasamund, Chhattisgarh
2. Ku. Sushil Kumari Patel D/o Shri Madhukirtan Patel Aged About 31 Years Lecturer (Panchayat), Govt Higher Secondary School, Paraswani, Block & PS Pithora, Distt Mahasamund, Chhattisgarh
3. Smt. Vinita Pradhan W/o Shri Rohit Pradhan Aged About 34 Years Lecturer (Panchayat), Govt. Higher Secondary School, Saldih, PS & Block Pithora, Distt Mahasamund, Chhattisgarh
4. Ku. Neeta Sahu D/o Shri Vishwanath Sahu Aged About 28 Years Lecturer (Panchayat), Govt. Higher Secondary School, Bhithidih, Block And PS Pithora, Distt Mahasamund, Chhattisgarh
5. Gunsagar Nayak S/o Shri Vishvanath Nayak Aged About 35 Years Lecturer (Panchayat), Govt. Higher Secondary School, Saldih, Block & PS Pithora, Distt Mahasamund, Chhattisgarh
6. Mayadhar Pradhan S/o Shri Abhimanyu Pradhan Aged About 42 Years Lecturer (Panchayat), Govt. Higher Secondary School, Bhithidih, Block & PS Pithora, Distt Mahasamund, Chhattisgarh
7. Pawan Kumar Thakur S/o Shri Tensingh Thakur Aged About 39 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kolda, Block & PS Pithora, Distt Mahasamund, Chhattisgarh
8. Yuvaraj Patel S/o Shri Satyanand Patel Aged About 38 Years Lecturer (Panchayat), Govt. Higher Secondary School, Rajpur (Barnaidadar), Block & PS Pithora, Distt Mahasamund, Chhattisgarh
9. Dinesh Das S/o Shri Rameshwar Das Aged About 34 Years Lecturer (Panchayat), Govt. Higher Secondary School, Bhawarpur, Block & PS Basna, Distt Mahasamund, Chhattisgarh
10. Smt. Jyoti Das W/o Shri Prahlad Das Aged About 32 Years Lecturer (Panchayat), Govt. Boys Higher Secondary School, Bhanwarpur, Block & PS Basna, Distt Mahasamund, Chhattisgarh

---- Appellants

versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat & Rural Development, Naya Raipur, Post & PS Naya Raipur, Dist Raipur, Chhattisgarh
2. The Under Secretary Department of Panchayat And Rural Development, New Raipur, Post Office and PS Naya Raipur, Dist Raipur, Chhattisgarh
3. The Joint Secretary Department of Panchayat And Rural Development, New Raipur, Post Office and PS Naya Raipur, Dist Raipur, Chhattisgarh
4. The Collector, Mahasamund, Chhattisgarh
5. Zila Panchayat Mahasamund, Through The Chief Executive Officer, Zila Panchayat Mahasamund, Chhattisgarh
6. The Block Education Officer, Mahasamund Distt Mahasamund, Chhattisgarh
7. The Block Education Officer, Basna, Distt Mahasamund, Chhattisgarh

---- Respondents

Writ Appeal No.416 of 2014

1. Khirsagar Patel S/o Santosh Kumar Patel Aged About 33 Years Lecturer (Panchayat), Govt. Higher Secondary School, Mohada, Block Saraipali, PS Saraipali, Dist Mahasamund, Chhattisgarh
2. Chhabilal Nayak S/o Harihar Nayak Aged About 32 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kisadi, Block Saraipali, Distt. Mahasamund R/o Village Sidhbahal, P.O. Pandripali, Block, P.S. & Tahsil Saraipali, Distt. Mahasamund Chhattisgarh
3. Chitrasen Bhoi S/o Kushto Bhoi Aged About 40 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kisadi, Block Saraipali, Distt. Mahasamund R/o Village Dhamanthutpuri, PO Nawgadi, PS Basna, Distt. Mahasamund Chhattisgarh
4. Yuvraj Panda S/o Hemratan Panda Aged About 35 Years Lecturer (Panchayat), Govt. Higher Secondary School, Birkol, Saraipali, R/o Vill. Palsapali, Post Nawagarh, Tahsil Saraipali, Dist. Mahasamund Chhattisgarh
5. Niranjana Patel S/o Lakhan Lal Aged About 32 Years Lecturer (Panchayat), Govt. Higher Secondary School, Birkol, Saraipali, R/o Patsendri, PS & Tahsil Saraipali Distt. Mahasamund Chhattisgarh
6. Ram Kumar Dadsena S/o Samarulal Dadsena Aged About 31 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kankewa, Block, PS & Tahsil, Saraipali, Distt. Mahasamund Chhattisgarh
7. Jai Narayan Patel S/o Tarak Ram Patel Aged About 39 Years Teacher (Panchayat), Govt. Middle School, Paraskol, Saraipali, R/o Vill. Birkol, Post Nawagarh, Tahsil Saraipali, Dist. Mahasamund Chhattisgarh
8. Smt. Preeti Uboweja W/o Surender Uboweja Aged About 44 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kena, Block PS & Tahsil Saraipali Distt. Mahasamund Chhattisgarh
9. Anil Kumar Pradhan S/o Makardhvaj Pradhan Aged About 32 Years Lecturer (Panchayat), Govt. Higher Secondary School, Toresingha, Saraipali, R/o Sanjay Nagar, Saraipali Distt. Mahasamund C.G.
10. Laxmi Prasad Nayak S/o Dasrath Nayak Aged About 46 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kalenda (Toresingha), Saraipali, R/o Village Kejunga, PO, PS & Tahsil Saraipali, Distt. Mahasamund Chhattisgarh
11. Pushpa Patel W/o Lakhan Lal Aged About 32 Years Lecturer (Panchayat), Govt. Higher Secondary School, Kejuwa, Block Saraipali, Distt. Mahasamund C.G.
12. Ajay Nayak S/o Alekh Das Nayak Aged About 38 Years Lecturer (Panchayat), Govt. Higher Secondary School, Sankara, Block Pithora, Mahasamund, R/o Vill, Post & PS Sankara, Distt. Mahasamund C.G.
13. Rajendra Kumar Nayak S/o Gangadhar Nayak Aged About 42 Years Lecturer (Panchayat), Govt. Higher Secondary School, Pirda, Block Pithora, Distt. Mahasamund, R/o Ajgarkhar, Post Chanar, PS Basna, Distt. Mahasamund Chhattisgarh
14. Tularam Sinha S/o Raviram Sinha Aged About 31 Years Lecturer (Panchayat), Govt. Higher Secondary School, Beldih, Block Pithora, Distt. Mahasamund, R/o Village Parsada, PO Bundeli, PS Pithora, Distt. Mahasamund Chhattisgarh
15. Dharendra Kumar Sao S/o Duryodhan Sao Aged About 39 Years Lecturer (Panchayat), Govt. Higher Secondary School, Saldih, Block Pithora, Distt. Mahasamund, R/o Saldih, PO Saldih, PS Pithora, Distt. Mahasamund Chhattisgarh
16. Ashok Kumar Bajpai S/o Shivsaran Lal Aged About 37 Years Teacher (Panchayat), Govt. Higher Secondary School, Sankra, Pithora, R/o Village, PO & PS Pithora, Distt. Mahasamund Chhattisgarh
17. Chakradhar Chowdhri S/o Kriparam Chowdhari Aged About 41 Years Lecturer (Panchayat), Govt. Girls Higher Secondary School,

- Bhanwarpur, Block Basna, PS Basna, Distt. Mahasamund C.G.
18. Rajendra Patel S/o Narotam Patel Aged About 33 Years Lecturer (Panchayat), Govt. High School, Gidhali, Block Basna, PS Basna, Distt. Mahasamund Chhattisgarh
 19. Lokesh Kumar Sahu S/o Tankdher Sahu Aged About 37 Years Lecturer (Panchayat), Govt. High School Gedhlee, Block Basna, PS Basna, Distt. Mahasamund Chhattisgarh
 20. Dasrathi Pradhan S/o M.D. Pradhan Aged About 28 Years Teacher (Panchayat), Govt. Upper Primary School Karaabhauna, PS & Block Basna, Distt. Mahasamund Chhattisgarh
 21. Santosh Kumar Dewangan S/o Puniram Dewangan Aged About 44 Years Lecturer (Panchayat), Govt. Higher Secondary School, Bhukel, Block Basna, Mahasamund, R/o Village Bhukel, P.S. Basna, Distt. Mahasamund Chhattisgarh
 22. Nirakar Patel S/o G.S. Patel Aged About 33 Years Lecturer (Panchayat), Govt. High School, Khogasa, Basna, R/o Vill. & Po Bichhiya, Tahsil & PS Saraipali, Distt. Mahasamund Chhattisgarh
 23. Smt. Bageshwari Dhritlahre W/o Abhay Ram Dhritlahre, Aged About 35 Years Lecturer (Panchayat), Govt. Higher Secondary School, Bhanwarpur Block Basna, Distt. Mahasamund, R/o Village Jagat, PO Bhukel, PS Basna, Distt. Mahasamund Chhattisgarh
 24. Anurag Dixit, S/o Ramashankar Dixit, Aged about 38 years, Lecturer (Panchayat), Government High School, Amladih, District Mahasamund, Chhattisgarh

---- Appellants

versus

1. State of Chhattisgarh Through the Secretary, Department of Panchayat & Rural Development, Naya Raipur, PO & PS Naya Raipur, Dist Raipur, Chhattisgarh
2. Under Secretary Department of Panchayat & Rural Development, Naya Raipur, Post Office & P.S. Naya Raipur, Distt. Raipur C.G.
3. Joint Secretary, Department of Panchayat & Rural Development, Naya Raipur, Post Office & P.S. Naya Raipur, Distt. Raipur C.G.
4. Collector, Mahasamund C.G.
5. Zila Panchayat, Mahasamund, Through The Chief Executive Officer, Zila Panchayat, Mahasamund C.G.
6. Block Education Officer Mahasamund, Distt. Mahasamund C.G.
7. Block Education Officer, Saraipali, Distt. Mahasamund C.G.
8. Block Education Officer, Pithora, Distt. Mahasamund C.G.
9. Block Education Officer, Basna, Distt. Mahasamund C.G.

---- Respondents

and

Writ Appeal No.497 of 2014

Smt. Veena Pradhan W/o Shri Vivekanand Pradhan Aged About 43 Years R/o Krishna Vihar B - 1354, N.T.P.C. Colony Jamnipali P.S. Darri Tahsil & Distt. Korba Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh Through its Secretary Department of Panchayat & Rural Development Mantralaya Mahanadi Bhawan Naya Raipur Distt. Raipur Chhattisgarh
2. Chief Executive Officer Jila Panchayat Korba, Distt. Korba C.G.
3. Block Education Officer, Katghora Distt. Korba C.G.
4. The Director, Panchayat And Social Services Mantralaya New Raipur Chhattisgarh

---- Respondents

For Appellants	:	Shri Mateen Siddiqui, Shri Amrito Das, Shri Manoj Paranjpe, Shri V.R.Tiwari, Shri Vivek Pandey and Ms. Ruchi Nagar, Advocates
For Respondents	:	Shri U.N.S. Deo, Government Advocate, Shri B. Gopa Kumar, Shri Rajnish Singh Baghel and Shri Rajesh Kumar Kesharwani, Advocates

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Navin Sinha, Chief Justice

9/12/2015

1. The present appeals arise from a common order dated 26.9.2014 disposing a batch of analogous Writ Petitions. The facts and questions of law for consideration in the appeals being common, they have been heard together and are being disposed by a common order. The Learned Single Judge held that the Appellants having competed in a general selection for direct recruitment to a higher post pursuant to an advertisement, while working on a lower post, were not entitled to count their past services rendered on the lower post, for computation of the eight years period entitling them for grant of higher pay-scale under the Circular dated 17.5.2013 and as explained in Circular dated 4.12.2013/22.1.2014 at paragraph 8.

2. We have heard Learned Counsel for the parties at length and for reasons discussed hereinafter are satisfied that the matter has to be remanded to the Secretary, Panchayat and Rural Development.

3. The Appellants were appointed as Assistant Teacher (Panchayat) and Teacher (Panchayat) under the Chhattisgarh Panchayat Shiksha Karmi (Appointment and Service Conditions) Rules, 2007 (hereinafter called the 'Rules'). The Rules provided for recruitment by promotion and

direct appointment to the extent of 50% each. While working as Assistant Teacher (Panchayat) or Teacher (Panchayat), the Appellants with permission from the respective Zila Panchayats appeared at the selection for direct recruitment on the posts of Teacher (Panchayat) and Lecturer (Panchayat). The Appellants did so in the hope and expectation not only of a higher status and rank, but also a higher pay. After selection they did not resign their earlier post but were duly relieved to join the higher post. It is their further case that after joining the higher post no new service book was opened and the existing service book was updated and some Zila Panchayats issued orders in writing that their earlier period of service on the lower post shall count. Since the Rules were silent in this regard the communication to them in the form of an executive instruction was not contrary to the Rules. Had they been told before participating for selection by direct recruitment on the higher post that their past services would not count they would not have applied for direct recruitment on the higher post and would have waited their turn for promotion in due course. In fact the decision not to count the past services on the lower post in such case was taken long after they had joined the higher post. Their service conditions have been changed retrospectively to their prejudice which was not only impermissible but also arbitrary. The Respondents contend that after eight years of service on the higher post reckoned from the fresh date of appointment the Appellants will again start getting higher pay than their juniors and colleagues.

4. The Appellants appeared at the examinations for direct recruitment on the higher post in 2008, 2010 and 2012. They were relieved and joined the higher post. The Respondents issued an executive order on 17.5.2013 granting revised pay-scales at par with the Government Teachers to Assistant Teacher (Panchayat), Teacher (Panchayat) and Lecturer (Panchayat) on completion of eight years of service as on

1.5.2013. For each completed two years of service they were entitled to one increment and they were also entitled to dearness allowance like Government Teachers. Subsequently, another notification was issued on 4.12.2013/22.1.2014 which provided in paragraph 8 that the period of eight years was to be reckoned from the date of appointment. Resultantly, the Appellants were now treated as fresh appointees on the higher post denying them the benefit of past service rendered on the lower post given to them earlier, thus depriving them of the benefit for enhanced pay-scale, increments and dearness allowance upon completion of eight years of service.

5. It is the contention of the Appellants that it has created an anomalous position. They appeared for direct recruitment not only for a higher post and rank but also higher pay. Consequent to the impugned circulars issued subsequently, their juniors or colleagues who did not apply for direct recruitment by virtue of completion of eight years service are effectively drawing a higher pay than the Appellants. The endeavour of the Appellants to achieve higher pay, by subsequent decisions given retrospective effect, has adversely affected their service conditions. Some of the Appellants have therefore represented that they may be allowed to go back to their original posts where they would be entitled to count their past services and get the benefit of revised pay-scale at par with the Government Teachers.

6. It is significant to keep in mind that the Appellants did not resign but were relived to join the higher post. The Rules or the advertisement did not provide that past service would not be counted in such situation. Had the Appellants been informed accordingly perhaps many of them may not have opted for direct recruitment to the higher post. Continuity of service on the lower post was also granted to them till the impugned executive instructions came to be issued replacing the earlier executive instruction.

7. It appears that a piquant situation has been created possibly due to lack of decision taken at the headquarter level before issuance of circulars dated 17.5.2013, 4.12.2013 and 22.1.2014. On 23.7.2015, we had observed as follows:

“We are of the opinion that the decisions with regard to persons like the Appellants and the claims made by them must have been taken at the Secretariat level in the Capital and merely implemented by the Chief Executive Officers. We therefore find no reason why the policy decision taken by the Respondents cannot be placed before us.”

8. No policy has been brought on record before us with regard to the status of the Appellants as on the date that the advertisements were published, they competed in the examination and were relieved to join their higher posts. The Respondents have not placed any materials on record with regard to the reasons for the decision to fix an eight year criteria and the justification for grant of higher pay scale, dearness allowance and increments on basis of the same which may or may not be relevant for the present controversy. If the Appellants were drawing a higher pay after direct recruitment on the higher post and pay anomaly has been created by a subsequent decision of the Respondents prejudicially affecting the Appellants the Respondents are required to address the issue with regard to pay protection by removal of the anomaly. It is not an answer sustainable in law as contended by the Respondents that the Appellants will ultimately again start getting higher pay than their juniors and colleagues after completion of eight years on the higher post and till then they must endure a lower pay.

9. We therefore consider it necessary to remand these matters to the Secretary, Panchayat and Rural Development Department to pass a reasoned and speaking order in accordance with law, and if the

Appellants so request, grant them a representative hearing.

10. Let such appropriate fresh orders be passed within a maximum period of six months from the date of receipt and/or production of a copy of this order. The order under appeal to the extent that it concerns the present Appellants is set aside. The writ appeals are allowed with directions.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE