

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4590 of 2015**

Kamal Kishore Ratnakar S/o Shri Tilak Ram Ratnakar, Aged About 36 Years Occupation : Assistant Teacher (Panchayat) Posted At Government Primary School : Tilai, Block Development : Akaltara, Distt Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Chief Executive Officer, Janpad Panchayat, Masturi, District Bilaspur (Chhattisgarh)
3. The Block Education Officer, Akaltara, District Janjgir Champa (Chhattisgarh)
4. Headmaster Government Primary School, Government Primary School: Tailai, Tahsil : Akaltara, Dist Janjgir Champa (Chhattisgarh)

---- Respondents**And****WPS No. 4604 of 2015**

Pushpanjali Jaiswal, D/o Shri Khilawan Prasad Jaiswal, aged about 26 years, Occupation-Asst. Teacher (Panchayat) posted at Primary School Labed, Block-Kartala, Janpad Panchayat-Kartala, District – Korba, Resident of Pantora, P.S. Baloda, District – Janjgir-Champa, Revenue and Civil District- Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The District Panchayat Bilaspur, through: Chief Executive Officer, District Panchayat, Bilaspur, District – Bilaspur (C.G.)
3. The District Panchayat Korba, through: Chief Executive Officer District Panchayat Korba, District – Korba (C.G.)
4. Janpad Panchaya Masturi, through: Chief Executive Officer, Janpad Panchayat Masturi, District – Bilaspur (C.G.)

5. Janpad Panchayat Kartala, through: Chief Executive Officer, Janpad Panchayat Kartala, District Korba (C.G.)
6. Om Prakash Singh, S/o Raghunandan Singh, aged 28 years, R/o village-Vedparsada, Post Tikari, P.S. And Janpad Masturi, District – Bilaspur (C.G.)

---- Respondents

For Petitioners:	Mr. Sandeep Dubey & Mr. Basant Kaiwartya, Advocate.
For Respondents/State:	Mr. Garry Mukhopadhyaya, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/12/2015

Heard.

(1) W.P. (S) Nos.4590/2015 & 4604/2015, involve common facts and common question of law and, as such, require consideration and disposal by the common order.

(2) Learned counsel appearing for the respective petitioners would submit that the petitioners are Assistant Teachers, who were duly appointed by General Administrative Department of Janpad Panchayat and they were transferred on the basis of their mutual consent by the said Committee on 5.10.2015 (Annexure P-12), which has been revoked by the Chief Executive Officer, Janpad Panchayat by order dated 24.11.2015, who is incompetent under the Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012 (henceforth 'Rules, 2012') and, therefore, he may be permitted to file representation to the Commissioner, Bilaspur Division for redressal of his grievances and the same may be directed to be decided expeditiously. To which, counsel for the State has no

objection.

(3) Prayer appears to be fair & reasonable.

(4) Accordingly, it is directed that petitioners shall file representation to the Commissioner, Bilaspur Division for redressal of his grievances and who in turn shall decide the plea that whether the order of revocation has been passed by the competent authority or not as per Rules, 2012 within 45 days from the date of receipt of representation.

(5) For the period of 45 days, transfer order dated 24.11.2015 (Annexure P-1) shall remain stayed.

(6) With the aforesaid observations, the writ petitions stand finally disposed of.

(7) However, it is made clear that if the cause of action survives after decision of the Commissioner, Bilaspur Division, parties are at liberty to proceed in accordance with law.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-