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CF-1001 ①

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT APPEAL No. 388 Of 2014

APPELLANT
PETITIONER

R No. 388/14
Presented by Shri. S.K. Kishan
Date: 21/10/14

: Tukaram Patel S/o Shri Hirderam Patel, aged about 37 years, Assistant Teacher (Panchayat), Government Primary School, Uchpinda, Dabhra, District - Janjgir-Champa (C.G.).

VERSUS

RESPONDENTS

- : 1. State of Chhattisgarh, through The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhavan, New Raipur, District - Raipur (C.G.).
2. Chief Executive Officer, Jila Panchayat, Janjgir-Champa, District - Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Dabhra, District - Janjgir-Champa (C.G.).
4. Block Education Officer, Dabhra, District - Janjgir-Champa (C.G.).

APPEAL UNDER SECTION 2 CLAUSE (1) OF THE
CHHATTISGARH HIGH COURT (APPEAL TO DIVISION BENCH)
ACT, 2006

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.388 of 2014

Tukaram Patel S/o Shri Hirderam Patel
Aged About 37 years Asstt Teacher
(Panchayat), Govt. Primary School, Uchpinda,
Dabhra, Dist Janjgir Champa, CG

---- Petitioner

Versus

1. State Of Chattisgarh through The Secretary,
Panchayat & Rural Development Department,
Mantralaya, Mahanadi Bhawan, New Raipur,
Dist Raipur, CG
2. Chief Executive Officer, Jila Panchayat, Janjgir
Champa, Dist Janjgir Champa, CG
3. Chief Executive Officer, Janpad Panchayat,
Dabhra, Distt Janjgir Champa, CG
4. Block Education Officer, Dabhra, Dist Janjgir
Champa, CG

---- Respondents

Writ Appeal No.389 of 2014

Smt. Gayatri Maitri W/o Shri Gulab Singh Maitri
Aged About 43 years Asstt Teacher Panchayat,
Govt. Primary School, Churachhata, Dabhra,
Dist Janjgir Champa, CG

---- Petitioner

Versus

1. State Of Chattisgarh through The Secretary,
Panchayat & Rural Development Department,
Mantralaya, Mahanadi Bhawan, New Raipur,
Dist Raipur, CG
2. Chief Executive Officer, Jila Panchayat, Janjgir
Champa, Dist Janjgir Champa, CG
3. Chief Executive Officer, Janpad Panchayat,
Dabhra, Distt Janjgir Champa, CG
4. Block Education Officer, Dabhra, Dist Janjgir
Champa, CG

---- Respondents

Writ Appeal No. 460 of 2014

1. Bodhiram Sahu, S/O Shri Ramsai Sahu Aged
About 43 years Assistant Teacher Panchayat
Presently Working At Govt. Primary School

Bhatapara Pacheda Block Nawagarh District
Janjgir Champa C.G.

2. Smt. Albina Kujur W/O Shri J. Kujur Aged About 52 Years Assistant Teacher Panchayat Presently Working At Govt. Primary School Pendri, Block Nawagarh, Distt Janjgir Champa, Cg
3. Laxmikant Pandey S/O Shri Gopal Prasad Pandey Aged About 40 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Dhaneli, Block Nawagarh, Dist Janjgir Champa, Cg .
4. Dauram Yadav S/O Shri Vedram Yadav Aged About 45 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Amora, Block Nawagarh, Dist Janjgir Champa, Cg
5. Ku. Savita Singh D/O Shri Battu Singh Aged About 45 Years Assisnat. Teacher Panchayat, Presently Working At Govt. Primary School Pendri, Block Nawagarh, Dist Tjanjgir Champa, Cg
6. Smt. Madhubala Shukla W/O Shri Dhanjay Shukla, Aged About 37 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Khokhasa, Bloc Nawagarh, Distt Janjgir Champa, Cg
7. Sonauram Majhi S/O Shri Meghnath Majhi Aged About 43 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Kewa, Block Nawagarh, Distt Janjgir Champa, Cg
8. Chaitram Kashyap S/O Shri Kartikram Kashyap Aged About 44 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Salkhan, Block Nawagarh, Distt Janjgir Champa, Cg
9. Laxman Prasad Majhi S/O Shri Anjor Singh Majhi Aged About 42 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Nagaridih, Block Nawagarh, Distt Janjgir Champa, Cg
10. Dhansai Sahu S/O Shri Aasharam Sahu Aged About 44 Years Assistant Teacher Panchayat Presently Working At Govt. Primary School Barbaspur, Block Nawagarh, Distt Janjgir Champa, Cg
11. Dhani Ram Kurre S/O Shri Kashiram Kurre Aged About 41 Years Assistant Teacher

Panchayat, Presently Working At Govt.
Primary School Kotiya, Block Nawagarh, Distt
Janjgir Champa, Cg

12. Smt. Rameshwari Rathore W/O Shri
Ramchand Rathore Aged About 38 Years
Assistant Teacher Panchayat, Presently
Working At Govt. Primary School Dharshiv,
Block Nawagarh, Distt Janjgir Champa, Cg
13. Smt. Amita Sahu W/O Shri Gourishankar Sahu
Aged About 39 Years Assistant Teacher
Panchayat, Presently Working At Govt.
Primary School Tendubhata, Block Nawagarh,
Distt Janjgir Champa, Cg
14. Smt. Lalita Singh Kamle W/O Lt Shri Baratu
Kamle Aged About 43 Years Assistant Teacher
Panchayat, Presently Working At Govt.
Primary School Dhurkot, Block Nawagarh,
Distt Janjgir Champa, Cg
15. Ananadram Gond S/O Shri Fatteram Gond
Aged About 40 Years Assistant Teacher
Panchayat, Presently Working At Govt.
Primary School Nawapara, Block Nawagarh,
Distt Janjgir Champa, Cg
16. Amal Kumar Singh S/O Shri Kripal Singh
Aged About 44 Years Assistant Teacher
Panchayat, Presently Working At Govt.
Primary School, Pali, Block Nawagarh, Distt
Janjgir Champa, Cg
17. Subhash Chandra Binjhar S/O Shri Ramlal
Binjhar Aged About 40 Years Assistant
Teacher Panchayat Presently Working At Govt.
Primary School Bhada, Block Nawagarh, Dist
Janjgir Champa, Cg
18. Smt. Bertila Lakra W/O Shri A. Lakra Aged
About 44 Years Assistant Teacher Panchayat,
Presently Working At Govt. Primary School
Munund Block Nawagarh, Dist Janjgir
Champa, Cg
19. Smt. Rajani Singh W/O Shri R.S. Singh Aged
About 34 Years Assistant Teacher Panchayat,
Presently Working At Govt. Primary School
Goud, Block Nawagarh, Distt Janjgir Champa,
Cg
20. Jagdish Prasad Kashyap S/O Shri
Shyamsunder Kashyap Aged About 44 Years
Working At Govt. Primary School Bharbhata,
Block Nawagarh, Distt Janjgir Champa, Cg
21. Dileep Ratre S/O Shri Khulan Prasad Ratre
Aged About 46 Years Assistant Teacher

Panchayat Presently Working At Govt. Primary School Goud, Block Nawagarh, Distt Janjgir Champa, Cg

22. Smt. Shrikanta Rathore W/O Shri Manoj Kumar Rathore Aged About 34 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Khokhara, Block Nawagarh, Distt Janjgir Champa, Cg
23. Smt. Rekha Dubey W/O Shri Sanjay Dubey Aged About 42 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Kanhaiband, Block Nawagarh, Dist Janjgir Champa, Cg
24. Smt. Geetanjali Yadav W/O Shri Sanjay Yadav Aged About 39 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Khokhasa, Block Nawagarh, Distt Janjgir Champa, Cg
25. Smt. Niranjana Kesharwani W/O Shri Mohan Lal Keasharwani Aged About 50 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Tendua, Block Nawagarh, Distt Janjgir Champa, Cg
26. Ramkumar Manu S/O Shri Tirithram Manu Aged About 44 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Siwni, Block Nawagarh, Distt Janjgir Champa, Cg
27. Ramkumar Kashayap S/O Lt Shri Baliram Kashyap Aged About 46 Years Assistant Teacher Panchayat, Presently Working At Govt. Anusuchit Jati Primary School Katoud, Block Nawagarh, Dist Janjgir Champa, Cg
28. Krishana Kumar Kashyap S/O Lt Shri Masatram Kashyap Aged About 35 Years Assistant Teacher Panchayat, Presently Working At Govt. Primary School Karmandi, Block Nawagarh, Dist Janjgir Champa, Cg

---- Petitioners

Versus

1. State Of Chhattisgarh through The Secretary Department Of Panchayat & Rural Development Mantralaya, Naya Raipur Distt. Raipur C.G.
2. Chief Executive Officer, Jila Panchayat, Distt Janjgir Champa, Cg
3. Chief Executive Officer, Janpad Panchayat, Nawagarh, Distt Janjgir Champa, Cg

4. Block Education Officer, Block Nawagarh, Distt Janjgir Champa, Cg

--- Respondents

Writ Appeal No. 461 of 2014

1. Smt. Teras Madhukar, W/O Shri Kheleshwar Madhukar Aged About 42 years Teacher Panchayat Presently Working At Govt. Middle School Tulsei, Block Nawagarh District Janjgir - Champa C.G.
2. Smt. Fransisi Xavier Lakada, W/O Shri Gustap Lakada Aged About 42 Years Teacher Panchayat Presently Working At Govt. Middle School Dhurkot, Block Nawagarh, Distt Janjgir Champa, Cg

--- Petitioner

Versus

1. State Of Chhattisgarh through The Secretary Department Of Panchayat & Rural Development Mantralaya Naya Raipur Distt. Raipur C.G.
3. Chief Executive Officer, Jila Panchayat, Distt Janjgir Champa, Cg
4. Chief Executive Officer, Janpad Panchayat Nawagarh, Distt Janjgir Champa, Cg
5. Block Education Officer, Block Nawagarh, Distt Janjgir Champa, Cg

--- Respondent

For Appellants:	Shri HB. Agrawal, Senior Advocate and Shri Ashwani Shukla, Advocate for respective Appellants.
For Respondent/State:	Shri B. Gopa Kumar, Dy. Advocate General for the State.

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per Navin Sinha, Acting Chief Justice

23/03/2015

1. The present appeals arise from a common order dated 26.9.2014 disposing a batch of analogous Writ Petitions including Writ Petition (S) Nos.4374/14, 4372/14, 4644/14 and 4642/14.

2. Learned Senior Advocate Shri H.B. Agrawal and Learned Counsel Shri Ashwani Shukla appearing on behalf of respective Appellants submitted that the Appellants had filed sought limited relief to direct consideration of their representations. They had been appointed as Siksha Karmi Grade-II (in Writ Appeal No.461/2014) and Siksha Karmi Grade-III (in the remaining three Appeals) on different dates in 1998 and 1999. The State Government had issued an instruction dated 2.11.2011 providing inter alia that such Siksha Karmi Grade-II and Siksha Grade Grade-III who had not been granted any promotion and had completed 10 years of service, were entitled to time bound promotion revising their pay scale from 4500-125-7000 to 5300-150-8300 and 3800-100-5800 to 4500-125-7000 respectively.

3. Though eligibility for the revised pay scale accrued after 10 years of service, the benefit was to be given only from 1.11.2011. Siskha Karmi Grade-II and Siksha Karma Grade-III were subsequently designated as Teacher (Panchayat) and Assistant Teacher (Panchayat) respectively. The circular dated 17.5.2013 is prospective in nature and there is nothing to indicate that it was given retrospective effect from 2.11.2011. The Appellants have not been considered for grant of time bound promotion by revision of their pay scales w.e.f 2.11.2011. In similar circumstances, Writ Petition (S) Nos.3576/14, 3599/14, 3601/14 and 3603/14 were disposed by a common order on 25.7.14 to decide the representation for grant of revised pay scale to Assistant Teacher

(Panchayat) in terms of the decision dated 2.11.2011. The Appellants had also filed representations and their Writ Petitions were required to be disposed in similar terms. Because of hearing of the Writ Applications in a batch, their limited grievance was not considered and escaped attention. There is no question of any recovery from the Appellants in the facts and circumstances of their case or wrong fixation of pay scale and wrong payment of allowances.

4. Learned Dy. Advocate General has appeared on behalf of the State. No counter affidavit was filed to the Writ Petitions. However, counter affidavit has been filed in the Writ Appeals. The counter affidavit is general in nature with regard to the merit adjudication by the Learned Single Judge with regard to the grievances of other Writ Petitioners. Learned Dy. Advocate General is unable to invite our attention to any statement in the counter affidavit that the claims of the Appellants in the manner projected before us have been considered either by the Learned Single Judge or by the Respondents purportedly in pursuance of their representations.

5. In the circumstances, we are of the opinion that there has been no consideration of the grievances of the Petitioners. The Writ Appeals are disposed with a direction to the Respondents to consider the representations of the Petitioners under the circular dated 2.11.2011 in accordance with law, and dispose it by a reasoned and speaking order within twelve weeks from the date of conviction and/or receipt of a copy of the present order.

6. The Writ Petition stands disposed.

Sd/-
Acting Chief Justice

Sd/-
P. Sam Koshy
Judge