

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3816 of 2016**

Shyam Lal Nag S/o Shri Bhojram Nag, Aged About 57 Years Occupation Service, Working As Shiksha Karmi (Panchayat), Government Primary School Nawapara, Tahsil Dharamjaigarh, Dist. Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. The Director, Directorate Of Public Education, Raipur (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat Raigarh (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat Dharamjaigarh, Distt. Raigarh (Chhattisgarh)

---- Respondents**Writ Petition (S) No.3818 of 2016**

Smt. Devki Kumari Dinkar W/o Shri Panchram Dinkar, Aged About 42 Years Occupation Service Working As Shiksha Karmi Panchayat Government Primary School Borhadand, Tahsil Primary School Borhadand, Tahsil Dharamjaigarh, District Raigarh Chhattigarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development New Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directoate Of Public Education Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

Writ Petition (S) No.3819 of 2016

Chaut Ram Tandan S/o Shri Muni Ram Tandan, Aged About 43 Years
Occupation- Service, Working As - Shiksha Karmi (Panchayat), Government
Primary School, Chunchunidand, Tahsil- Dharamjaigarh, Distt. Raigarh,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
3. The Director, Directorate Of Public Education, Raipur, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat, Raigarh, (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents

Writ Petition (S) No.3821 of 2016

Nankun Patel S/o Shri Mukanu Ram Patel, Aged About 52 Years Occupation
Service, Working As Shiksha Karmi (Panchayat), Government Primary School-
Thakurpondi, Tahsil Dharamjaigarh, Distt. Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. The Director, Directorate Of Public Education, Raipur (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat Raigarh (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat Dharamjaigarh, Distt. Raigarh (Chhattisgarh)

---- Respondents

Writ Petition (S) No.3826 of 2016

Hetram Dansena S/o Shri Shivpal Sansena, Aged About 48 Years Occupation

Service, Working As Shiksha Karmi Panchayat, Government Primary School Salka, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directorate Of Public Educaiton Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

Writ Petition (S) No.3830 of 2016

Dharam Sai Rathia S/o Shri Baiga Ram Rathia, Aged About 41 Years Occupation Service, Working As Shiksha Karmi Panchayat, Government Primary School Dhondhagaon, Tahsil Dharamjaigarh District Raigarh Chahttisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directorate Of Public Educaiton Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

Writ Petition (S) No.3832 of 2016

Harsh Ram Chaudhary S/o Shri Natho Ram Chaudhary, Aged About 44 Years Occupation Service, Working As- Shiksha Karmi (Panchayat), Government Primary School- Madanpur, Tahsil Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat Adn Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Secretary, Department Of School Edudcation, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
3. The Director, Directorate Of Public Education, Raipur, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat, Raigarh, (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents**Writ Petition (S) No.3833 of 2016**

Smt. Tej Bai D/o Shri Nirmal Ram Kurre, Aged About 40 Years Occupation Service, Working As Shiksha Karmi Panchayat Government Primary School Deepapara, Tahsil Dharamjaigarh District Raigarh Chhattigarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directorate Of Public Educaiton Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents**Writ Petition (S) No.3841 of 2016**

Budhram Ratre S/o Hetram Ratre, Aged About 52 Years Occupation- Service, Working As Shiksha Karmi (Panchayat), Government Primary School- Tonahinari, Tahsil Dharamjaigarh, Distt Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur,

(Chhattisgarh)

2. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
3. The Director, Directorate Of Public Education, Raipur, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat, Raigarh, (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents

Writ Petition (S) No.3842 of 2016

Mayaram Ratre S/o Shri Janak Ram Ratre, Aged About 44 Years Occupation Service, Working As Shiksha Karmi Panchayat Government Primary School Ratanpur, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directorate Of Public Education Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chhattisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

Writ Petition (S) No.3843 of 2016

Smt. Kesho Bai D/o Shri Sukhdeo Ram, Aged About 44 Years Occupation Service, Working As Shiksha Karmi Panchayat Government Primary School Samaniya, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh

3. The Director, Directorate Of Public Educaiton Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

Writ Petition (S) No.3844 of 2016

Bhoklu Ram Chakradhari S/o Shri Sunaram, Aged About 52 Years Occupation Service, Working As Shiksha Karmi (Panchayat), Government Primary School Gautiyapara (Kumarta), Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh).
2. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh).
3. The Director, Directorate Of Public Education, Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat Raigarh (Chhattisgarh).
5. The Chief Executive Officer, Janpad Panchayat Dharamjaigarh, District Raigarh (Chhattisgarh).

---- Respondents

Writ Petition (S) No.3846 of 2016

Ganpat Singh Kshatriya S/o Shri Shambhu Singh Kashtriya Aged About 44 Years Department Of Panchayat And Rural Development New Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directoate Of Public Educaiton Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh

5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

And

Writ Petition (S) No.3849 of 2016

Lili Marium Lakra (After Marriage Lili Marium Khess) W/o Shri Suleman Khess, Aged About 52 Years, Occupatin Service, Working As Shiksha Karmi, Panchayat, Government Primary School Bandhanpur, Tahsil Dharamjaigarh Distirct Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahandi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of School Education New Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Director, Directorate Of Public Education Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat Raigarh Chahttisgarh
5. The Chief Executive Officer Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Mr. A.N. Bhakta, Advocate
For Respondent-State	:	Mr. R.K. Gupta, Deputy Advocate General, on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

17/08/2016

Heard on admission.

1. Since the common question of fact & law are involved in these batch of petitions, they were heard together and being decided by this common order.

2. All these petitions have been filed by the various petitioners working as Shiksha Karmi (Panchayat), seeking relief that the respondent authorities be directed to give the service benefits as provided under Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012 (hereinafter called as 'the Rules') to the petitioners, which is given to the employees' of the Janpad Panchayat and Jila Panchayat. In the batch of petitions, the only prayer made that the representations of the petitioners' be consider and decided by the respondent authorities but no specific details of service benefits have been mentioned in the petitions. The service benefits which are given to the employees' of the Janpad Panchayat and Jila Panchayat are not mentioned in the petitions and without mentioning the specific service benefits or without reference to any provision of the Rules governing terms and condition of service, such prayer has been made by the petitioners.

3. Learned counsel for the petitioners submits that similar issue has been considered and decided by the Division Bench of this Court in **Writ Appeal No.321 of 2011 (Smt. Gayatri Nirmalkar & others v. State of Chhattisgarh & Others)** and analogous writ appeals on 15/09/2014.

4. A bare perusal of order dated 15/09/2014 passed by the Division Bench of this Court in Writ Appeal No. 321 of 2011, shows that the Court has held that disputed question as to what benefits are to be given to the employees' of Janpad Panchayat and Jila Panchayat has been raised, which can appropriately be considered and decided by the Secretary, Department of Panchayat and Social Welfare. The Division Bench has allowed the petitioners to file representations before the Secretary, Department of Panchayat and Social Welfare and the Secretary, Department of Panchayat and Social Welfare be directed to consider and decide their representations by way of speaking order.

5. I have gone through the pleadings in batch of petitions, no specific details of service benefits have been mentioned which was given to the employees' of the Janpad Panchayat and Jila Panchayat and therefore, no specific direction can be issued to grant the service benefits. However, considering the batch of appeals, which was decided by Division Bench of this Court, in which, appellants are directed to make representations before the Secretary, Department of Panchayat and Social Welfare and the Secretary has been directed to consider and decide their representations, these batch of petitions may also be disposed off in similar terms as Writ Appeal No.321 of 2011. The petitioners may file representations before the Secretary, Department of Panchayat and Social Welfare giving details of the service benefits of the employees' of Janpad Panchayat and Jila Panchayat, these petitions also be decided in similar terms as **Writ Appeal No.321 of 2011 (Smt. Gayatri Nirmalkar & others v. State of Chhattisgarh & Others)** and analogous writ appeals on **15/09/2014**.

6. It is made clear that if the Department has already taken the decision in those matters, the same decision may be applied in the case of the petitioners.

7. If the grievance of the petitioners are not redressed/fully redressed, it would be open for the petitioners to revive the petitions.

8. With the aforesaid observations, the petitions are finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge