

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4623 of 2016

- Smt. Durga Dhruw W/o Shri Omprakash Dhruw, Aged About 41 Years Working As Teacher Panchayat Govt. Middle School, Tonatar, Block Bhatapara Distirct Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh
2. Chief Executive Officer, Jila Panchayat Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh
4. Block Education Officer, Bhatapara District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/09/2016

This writ petition has been preferred seeking benefit of the circular dated 2-11-11 for grant of time-bound promotion/Kramonnati on completion of 10 years of service. The petitioner has claimed parity in view of the order passed in writ appeal No.389/14, decided on 23-3-2015.

2. Learned State counsel would submit that the benefit of the circular dated 2-11-11 has been withdrawn by issuing a circular on 14-11-14 w.e.f. 1-5-13. He would submit that subsequently, the Division Bench in writ appeal Nos. 227 & 231 of 2015 has passed order, therefore, the present writ petition does not survive.

3. The above statement is not disputed by the learned counsel for the petitioner.

4. In writ appeal Nos. 227 & 231 of 2015, the Division Bench of this Court has

passed the following order:-

3. The Writ Appeals arise from separate orders, dated 17.10.2014 and 26.9.2014, disposing a batch of analogous cases including Writ Petition (S) No.2914 of 2014 and Writ Petition (S) No.4382 of 2014 filed by the Appellants. Since we have already heard and disposed Writ Appeal No.389 of 2014 and analogous appeals involving similar questions as raised in the present Writ Appeals on 23.3.2015, it is considered appropriate to condone the delay. Delay is therefore condoned.
4. While passing the order dated 23.3.2015, the subsequent order passed by the Respondents on 14.11.2014 recalling the order dated 2.11.2011 with effect from 1.5.2013 had not been brought to our attention.
5. The present Writ Appeals are therefore disposed in similar terms as Writ Appeal No.389 of 2014 and analogous appeals, dated 23.3.2015, with the only clarification that in view of the order dated 14.11.2014 the claim of the Appellants is required to be considered only for the period 2.11.2011 till 1.5.2013.
6. The Writ Appeals are disposed in similar terms as Writ Appeal No.389 of 2014 and analogous appeals with the aforesaid clarification.
5. In view of the above, the present writ petition is disposed off in terms of writ appeal Nos. 227 & 231 of 2015. In other words, petitioner's case for grant of Kramonnati is required to be considered only for the period 2-11-11 till 1-5-2013, if the petitioner fulfills the eligibility criteria as per the norms laid down by the State Government.

SD/-
(Manindra Mohan Shrivastava)
Judge