

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4611 of 2016**

1. Smt. Omeshwari Dewangan W/o Shri Sanjay Dewangan, Aged About 48 Years Post Lecturer Panchayat Posted At Governemnt Girls High School Named, Block Bijapur, District Bijapur Chhattisgarh
2. Somendra Singh Bhadouriya S/o Shri Ranvir Singh Bhadouriya, Aged About 42 Years Post Lecturer Panchayat Posted At Governemnt Girls High School Named, Block Bijapur, District Bijapur Chhattisgarh
3. Deepak Kondra, S/o Shri Shri Kondra Yadav Rao, Aged About 38 Years Post Lecturer Panchayat Posted At Governemnt Girls High School Named, Block Bijapur, District Bijapur Chhattisgarh
4. Pradeep Ekka S/o Shri Johan Ekka, Aged About 40 Years Post Lecturer Panchayat Posted At Governemnt Girls High School Named, Block Bijapur, District Bijapur Chhattisgarh
5. Ku. Jyoti Manjhi, D/o Shri S.R. Manjhi, Aged About 30 Years Post Assistant Teacher Panchayat Posted At Governemnt Girls High School Named, Block Bijapur, District Bijapur Chhattisgarh
6. Dilip Kumar Korsu S/o Shri Masha Ram Korsu, Aged About 35 Years Post Teacher Panchayat Posted At Middle School Mingachal Block Bhairamgarh, District Bijapur Chhattisgarh
7. Smt. Smriti Dewangan W/o Shri Shekhar Dewangan, Aged About 41 Years Post Assistant Teacher Panchayat Posted At Middle School Mingachal, Block Bhairamgarh, & District Bijapur Chhattisgarh
8. Shekhar Dewangan S/o Shri S.N. Dewangan, Aged About 42 Years Posted Tacher Panchayat Posted At Middle School Mingachal, Block Bharamgarh, & District Bijapur Chhattisgarh
9. Smt. Chandrakanta Kudiya W/o Shri Vijay Bhanu Kudiya, Aged About 38 Years Post Teacher Panchayat Posted At Middle School Kaika, Block Bijapur, District Bijapur Chhattisgarh
10. Anil Kumar Ekka S/o Shri Shilvanush Ekka, Aged About 42 Years Post Assistant Teacher Panchayat Posted At Primary School Dogoli, Block Bijapur, Distirct Bijapur Chhattisgarh
11. Mohammed Iqbal Khan S/o Late Umar Khan Aged About 41 Years Post Assistant Teacher Panchayat Posted At Janpad Primary School Bijapur Block Bijapur, Distirct Bijapur Chhattisgarh

12. Shabana Parvin, W/o Umar Iqbal Khan Aged About 40 Years Post Assistant Teacher Panchayat Posted At Primary School Bus Stand Para Block Bijapur, Distirct Bijapur Chhattisgarh
13. Smt. Sharita Dubba, W/o Shri Kameshwar Dubba, Aged About 43 Years Post Lecturer Panchayat Posted At Government Higher Secondary School Bijapur Block Bijapur District Bijapur Chhattisgarh
14. Smt. Devki Yadav W/o Shri Nileshwar Yadav, Aged About 45 Years Post Teacher Panchayat Posted At Kasturba Girls Ashram Bijapur, Block Bijapur, District Bijapur Chhattisgarh
15. Smt. Kiran Kudiya W/o Shri Shankar Kudiya Aged About 46 Years Post Teacher Panchayat, Posted At Kasturba Girls Ashram Bijapur, Block Bijapur, Distirct Bijapur Chhattisgarh
16. Nagesh Rao Partagiri, S/o Late Shri Pentaiya Partagiri, Aged About 42 Years Post Teacher Panchayat, Posted At Government Girls Higher Secondary School Nemed, Block Bijapur & District Bijapur Chhattisgarh
17. Laxmi Kanta Korsha W/o Shri Vijay Kudiya Aged About 39 Years Post Teacher Panchayat Posted At Government Girls Hostel Kaika, Tahsil & District Bijapur Chhattisgarh
18. Shankar Durgam, S/o Shri Ramaiya Durgam, Aged About 46 Years Post Teacher Panchayat Posted At Government Middle School Gudma, Tahsil & District Bijapur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Ministry, Mahandi Bhavan, New Raipur, District Raipur Chhattisgarh
2. The Director, Department Of Panchayat & Rural Development, New Raipur District Raipur Chhattisgarh
3. Chief Executive Officer, District Panchayat, Bijapur, District Bijapur Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Bijapur, Distirct Bijapur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Alok Kumar Dewangan, Advocate
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

08/09/2016

Heard.

1. The petitioners by this petition have claimed that by virtue of provisions under Rule 12 of the Chhattisgarh Teacher (Panchayat) Cadre (Recruitment Condition of Service) Rules, 2012 (hereinafter called as 'Rules of 2012') they are also entitled to all other service benefits, which have been extended to other employees of Janpad Panchayat and Zila Panchayat.

2. In the petition, it has been stated that petitioners are entitled for payment of Gratuity, Provident Fund, Pension, Travelling Allowance, Dearness Allowance, Medical, Accommodation and Project Allowance etc., which have been provided to other employees of Janpad Panchayat and Zila Panchayat. According to the petitioners, various representations have been made but none of the representations have been decided.

3. Rule 12 of the Rules of 2012 provides as under:-

"12. General Conditions of Service : Conditions of Service other than mentioned above shall be the same as applicable to other employees of Zila Panchayat or Janpad Panchayat, as the case may be."

4. Prima facie, it appears that this Rule provide that the condition of service other than those mentioned in the Rule shall be the same as applicable to the other employees of Janpad Panchayat or Zila Panchayat, as the case may be.

5. Therefore, petitioners' claim requires serious consideration after taking into consideration the provisions contained in the Rule, 2012. The benefit which are being extended to the employees of Janpad Panchayat and Zila Panchayat and also the various terms and conditions of the appointment orders of the petitioners.

6. It is found that Division Bench of this Court in **Writ Appeal No. 321 of 2011 (Smt. Gayatri Nirmalkar and others v. State of Chhattisgarh and others)** and other analogous appeals passed an order on **15/09/2014** directing that this issue has to be considered by the Secretary, Department of Panchayat and Social Welfare. In those cases, it was found that the appellants therein have not come out with specific detail. In the present petition the petitioners have enumerated the service benefit claimed by them in terms of Rule 12 of the Rules 2012.

7. Therefore, taking into consideration that earlier Division Bench of this Court has already issued a direction for consideration of similar case by the Department concerned, this petition is also required to be disposed off on similar terms as Writ Appeal No.321 of 2011.

8. With the said direction, the petition stands finally disposed off.

9. If the grievance of the petitioners is not redressed/fully redressed, it would be open for the petitioners to revive the petition.

Sd/-
(Manindra Mohan Shrivastava)
Judge