

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5063 of 2016

1. Ku. Rina Thakur D/o. Shri Shyam Lal Thakur, Aged About 38 Years Occupation Service, Presently Working As Shiksha Karmi, Gr. II (Teacher Nagar Panchayat), Government Middle School (Ucch Prathmik Shala) Bazarpara, Nagar Panchayat And Tahsil Dharamjaigarh, Distt. Raigarh (Chhattisgarh).....(Annex P-2 S N.06)
2. Ku. Rehana Khatun (After Marriage Smt. Rehana Khatun), W/o. Shri Mukhtar Ali, Aged About 36 Years Occupation Service, Presently Working As Shiksha Karmi, Gr. II (Teacher- Nagar Panchayat), Government Middle School (Ucch Prathmik Shala) Dugrupara, Nagar Panchayat And Tahsil Dharamjaigarh, Distt. Raigarh (Chhattisgarh).....(Annex P-2 S N.12)
3. Smt. Goreti Toppo, Wd/o Late Shri B. Tigga, Aged About 55 Years Occupation Service, Presently Working As Shiksha Karmi, Gr. II (Teacher Nagar Panchayat), Government Middle School (Madhyamik Shala) Dugrupara, Nagar Panchayat And Tahsil Dharamjaigarh, Distt. Raigarh (Chhattisgarh).....(Annex P-2 S N.15)
4. Vijay Kumar Shah, S/o Shri Punayee Ram, Aged About 48 Years Occupation Service, Presently Working As Shiksha Karmi, Gr. II (Teacher Nagar Panchayat), Government Middle School (Ucch Prathmik Shala) Dugrupara, Nagar Panchayat And Tahsil Dharamjaigarh, Distt. Raigarh (Chhattisgarh).....(Annex P-2 S N.16)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Development (Urban Body), 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 Municipal Officer, Nagar Palika Dharamjaigarh, Distt. Raigarh (Chhattisgarh)

---- Respondents

Shri Vivek Bhakta, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2016

Heard on admission.

1. This petition has been filed by the petitioners working as Shiksha Karmi, Grade-II (Nagar Panchayat), seeking relief that the respondent authorities be directed to give the service benefits as provided under Chhattisgarh Shikshak (Nagariya Nikay) Samvarg (Recruitment and Conditions of Service) Rules, 2013 (hereinafter called as 'the Rules') to the petitioners, which is given to the employees of Urban Body. In this petition, the only prayer made that the representation of the petitioners be considered and decided by the respondent authorities but no specific details of service benefits have been mentioned in the petition. The service benefits which are given to the employees of the Urban Body are not mentioned in the petition and without mentioning the specific service benefits or without reference to any provision of the Rules governing terms and conditions of service, such prayer has been made by the petitioners.

2. 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**.

3. 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.

4. I have gone through the pleadings in this petition, no specific details of service benefits have been mentioned which was given to the employees of Urban Body 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 therein were directed to make representations before the Secretary, Department of Panchayat and Social Welfare and the Secretary was directed to consider and decide their representation, this petition is also disposed off in similar terms as Writ Appeal No.321 of 2011. The petitioners may file representation before the Secretary, Department of Urban and Rural Development giving details of the service benefits of the employees of Urban Body. This petition shall 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**.

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

6. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge