NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5212 of 2016

1. Raju Ahir S/o Late Matkuahir Aged About 41 Years R/o Khairbana, Block-Manendragarh District-Korea, Chhattisgarh.

2. Smt Lalita Singh W/o Prabhakar Singh Aged About 37 Years R/o Government Primary School, Kamaldand Development, Block Shikshakaryalay, Manendragarh, Distt-Korea, Chhattisgarh.

3. Krishna Kumar Singh S/o Late Hiralal Aged About 43 Years Office-Government Primary School, Salhi Development Block, Shikshakaryalaya, Manendragarh, Distt-Korea, Chhattisgarh.

---- Petitioners

Versus

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

2. The Chief Executive Officer, Zila Panchayat, Baikunthpur, District-Korea, Chhattisgarh.

3. The Block Education Officer, Zila Panchayat, Baikunthpur, District-Korea, Chhattisgarh.

4. The Chief Executive Officer, Janpad Panchayat Baikunthpur, District-Korea, Chhattisgarh.

---- Respondents

For Petitioners : Shri Avinash Chand Sahu, Advocate
For Respondent-State : Shri Dheeraj Wankhede, G.A.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/09/2016

Heard on admission.

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 petitioners have 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 Learned State counsel would submit that the benefit of the circular dated 2-11-11 has been withdrawn by issuing a circular on 14-11-14 w.e.f. 1-5-13.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 petitioners.

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.
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> 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.
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> 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.
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> 6. The Writ Appeals are disposed in similar terms as Writ Appeal No.389of 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, petitioners' case for grant of

Kramonnati is required to be considered only for the period 2-11-11 till 1-5-2013, if the petitioners fulfill the eligibility criteria as per the norms laid down by the State Government.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha