

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5233 of 2016**

1. Lawan Kumar Patel S/o Govind Ram Patel, Aged About 44 Years Occupation Service, Working As Shiksha Karmi Grade III, (Asst. Teacher Panchayat) Government Primary School Sarasmar, Post Siringa, Tahsil Dharamjaigarh Distt. Raigarh (Chhattisgarh)
2. Kumari Balmati Ekka (Aftar Marriage Smt. Balmati Tirkey), W/o Shri P. Tirkey, Aged About 47 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Teacher Panchayat) Presently Working At Government Middle School Balpeda, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Petitioners**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 District Education Officer, Raigarh, District Raigarh (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat Raigarh (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Vivek Bhakta, Advocate
For Respondent-State	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.
Order on Board

27/09/2016

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 Panchyat 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