

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4774 of 2016

1. Rakesh Kumar Marbal, S/o Shri Jagat Ram Marbal, aged about 42 years, Lecturer (Panchayat), Govt. Higher Secondary School, Pondi Dalha, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
2. Giriwar Kumar Shandilya, S/o Shri Ram Khilawan Shandilya, aged about 44 years, Lecturer (Panchayat), Govt. Higher Secondary School, Nariyara, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
3. Vinod Kumar Chaubey, S/o Shri Bhawat Prasad Chaubey, aged about 48 years, Teacher (Panchayat), Govt Middle School, Katnai, Block Akaltara, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
4. Ramesh Kumar Kurrey, S/o Shri Ram Prasad Kurrey, aged about 45 years, Teacher (Panchayat), Govt. Middle School, Kalyanpur, Janpad Panchayat Akaltara, District Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
5. Smt. Sulochna Kurrey, W/o Ram Prasad Kurrey, aged about 40 years, Teacher (Panchayat), Govt. Middle School, Kalyanpur, Janpad Panchayat Akaltara, District Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
6. Jai Prakash Prajapati, S/o Ram Murat Prajapati, aged about 43 years, PTI Teacher (Panchayat), Govt. Higher Secondary School, Pondi Dalha, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
7. Ved Prakash Aditya, S/o Lal Ji Prasad Aditya, aged about 45 years, Lecturer (Panchayat), Govt. Higher School, Silli, Block Pamgarh, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
8. Yashwant Kumar Upadhyay, S/o Shri Jawahar Prasad Upadhyay, aged about 45 years, Govt. Middle School, Amora, Block Akaltara, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
9. Santosh Kumar Dewangan, S/o Arjun Kumar Dewangan, aged about 42 years, Teacher (Panchayat), Govt. Middle School, Birkoni, Block Akaltara, Zila Panchayat, Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)

10. Smt. Sangeeta Singh, W/o Satyawan Singh, aged about 45 years, Lecturer (Panchayat), Govt. Higher Secondary School, Pondi Dalha, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
 11. Ram Sharan Singh Sarwa, S/o Shri Sita Ram Singh Sarwa, aged about 34 years, Assistant Teacher (Panchayat), Govt. Primary School Pakariya, Block Akaltara, Janpad Panchayat Akaltara, Civil and Revenue District Janjgir-Champa (C.G.)
 12. Sanjay Shriwas, S/o Her Prasad Shriwas, aged about 32 years, Assistant Teacher (Panchayat), Govt. Primary School, Parsahi Nala, Block Akaltara, Janpad Panchayat Akaltara, District Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
 13. Shiv Kumar Markam, S/o Shri Pujeir Lal Markam, aged about 45 years, Lecturer (Panchayat), Govt. Higher Secondary School Pondi Dalha, Block Akaltara, Zila Panchayat Janjgir-Champa, Civil and Revenue District Janjgir-Champa (C.G.)
- Petitioners

Versus

1. State of Chhattisgarh, through Secretary, Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.) Pin - 492001
 2. Chief Executive Officer, Zila Panchayat Janjgir-Champa, District Janjgir-Champa (C.G.)
 3. Chief Executive Officer, Janpad Panchayat Akaltara, District Janjgir-Champa (C.G.)
 4. Block Education Officer, Akaltara, District Janjgir-Champa (C.G.)
- Respondents

For Petitioners: Mr. Dheerendra Pandey, Advocate.
For State/Respondents No.1 and 4: -
Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/11/2016

1. Learned counsel for the petitioners would submit that this case

is covered by the decision rendered by a coordinate Bench of this Court in W.P.(S)No.106/2014 (Marisha Shrivastava v. State of Chhattisgarh and another) and other connected matters by order dated 26-9-2014 in which the coordinate Bench has held in paragraph 49 as under: -

"49. As a sequel, all the writ petitions, sans substratum, are liable to be and are hereby dismissed with the following conclusions :

Conclusions :

- Teacher (Panchayat) cadre initially appointed as Assistant Teacher (Panchayat), but later on joined as Teacher (Panchayat) as a fresh recruit are not entitled for counting their length of service on the lower post for the purpose of revision of pay scale pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014.
- Teacher (Panchayat) cadre are only entitled for pay scale similar to the Government Teachers.
- Teacher (Panchayat) cadre are entitled to Dearness Allowance only, they are not entitled for any other allowances like House Rent Allowance, Medical, Stagnation, etc.
- The revision of pay scales of Teacher (Panchayat) cadre pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014 will be on the basis of the pay scale of the post held by them. Such revision is not to be made on the basis of Kramonnati Vetanman or Samayman Vetanman.

- Recovery of excess amount paid to the Teacher (Panchayat) on account of wrong fixation of pay scale or wrong payment of allowances does not suffer from any infirmity. Challenge to the recovery of amount paid in excess is rejected.
- The respondent/Panchayat, Rural Development and Labour, Government of Chhattisgarh shall direct all the Zila Panchayats/Janpad Panchayats and Drawing & Disbursing Officers working therein to apply the Government instructions uniformly, as different application by giving different interpretation to the Government orders have generated confusion and discrepancy giving rise to unnecessary litigations and loss to the exchequer.
- The State Government shall circulate copy of this order to all the Zila Panchayats & Janpad Panchayats for implementation.
- Henceforth, if any monetary benefit will be paid to any Teacher (Panchayat) cadre, for which he is not entitled shall be recoverable from the concerned Chief Executive Officer of the Zila Panchayat/ Janpad Panchayat who has wrongly granted the benefit."

2. The writ petition is disposed of in terms of paragraph 49 of the order passed in Marisha Shrivastava (supra). No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge