

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4808 of 2016**

1. Suleman Kerketta S/o Shri Dhan Sai Kerketta, Aged About 40 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher Panchayat) Government Middle School Kundruja, Village And Post Vijay Nagar, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
2. Jai Prakash Singh Rathia, S/o Shri Rajendra Prasad Rathia, Aged About 39 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher Panchayat) Government Middle School Kundruja, Village And Post Vijay Nagar, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
3. Chinta Mani Kewat, S/o Shri Mohit Ram Kewat, Aged About 41 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Nayadeeh Kudekela, Village And Post Kudekela, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
4. Smt. Rajni Rathia, W/o. Shri Surendra Kumar Rathia, Aged About 44 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Bakaruma, Village And Post Bakaruma, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
5. Smt. Lili Toppo, W/o Shri Praful Toppo, Aged About 43 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Dharampur, Post Bakaruma, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
6. Abraham Ram Panna, S/o Shri Chhandu Ram Panna, Aged About 44 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Ruwaful, Village And Post Ruwaful, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
7. Mange Bek, S/o Shri Dharmu Bek, Aged About 51 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Jaroliama, Post Vijay Nagar, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
8. Sanjay Kuamr Chauhan, S/o Shri Chandan Ram Chauhan, Aged About 42 Years Occupation Service, Working As Shiksha Karmi, Grade I, (Lecturer Panchayat) Government Higher Secondary School Pakhnakot, Village Ratanpur, Post Sonpur, Zila Panchayat Raigarh, District Raigarh (Chhattisgarh)

9. Hira Lal Patel, S/o Shri Chakradhar Patel, Aged About 41 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher Panchayat) Government Middle School Sonpur, Post Sonpur, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
10. Smt. Geeta Rani Mandal, W/o Shri Nirmal Chandra Mandal, Aged About 45 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Amapali, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
11. Kamal Narayan Rathia, S/o Late Mangatu Ram Rathia, Aged About 41 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Jabga, Village And Post Miriguda, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
12. Bharosh Ram Patel, S/o Shri Madhusudan Patel, Aged About 47 Years Occupation Service, Working As Shiksha Karmi, Grade III, (Asst. Teacher Panchayat) Government Primary School Thakurpodi, Village And Post Kilkila, Janpad Panchayat And Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
13. Smt. Ramin Jangde, W/o Shri Hemlal Jangde, Aged About 44 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher Panchayat) Government Middle School Sonpur, Village And Post Kapu, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
14. Smt. Ganga Ware, D/o Shri J. Ware, Aged About 44 Years Occupation Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher Panchayat) Government Middle School Bandhanpur, Janpad Panchayat And 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, Distt. Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Vivek Bhakta, Advocate.
For State	:	Mr. R.K. Gupta, Dy. A.G., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/09/2016

Heard.

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)
J U D G E