

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5488 of 2016

1. Rajkumar Kurre S/o Late Shri Avadh Ram Kurre Aged About 38 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District Jashpur (Chhattisgarh)
2. Binayak Dutt Mishra, S/o Shri Vishnu Ballabh Mishra, Aged About 40 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
3. Pramila Sosan Bakhla, D/o Shri Edward Kujur, Aged About 37 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
4. Arvind Kumar Mishra, S/o Shri Kunjbihari Mishra, Aged About 40 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
5. Jeevan Lata Xalxo, S/o Shri Deonis Kujur, Aged About 42 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
6. Asrita Tirkey S/o Shri Benedict Kujur, Aged About 37 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
7. Anil Kumar Singh, S/o Shri Shivmurti Singh, Aged About 45 Years Working As Lecturer Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
8. Dashrath Lal Sastri, S/o Shri Sushil Chandra Sastri, Aged About 41 Years Working As P. T. I., Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
9. Suresh Xalxo, S/o Shri Mikhael Xalxo, Aged About 34 Years Working As Assistant Teacher Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
10. Shivratri Singh, S/o Shri Shivnath Singh, Aged About 29 Years Working As Assistant Teacher Panchayat, Presently Posted On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil Kunkuri, District. Jashpur (Chhattisgarh)
11. Crecencia Kurre, D/o Shri Clement Toppo, Aged About 35 Years

Working As Assistant Teacher Panchayat, Presntly Posted On
Primary School, Belghutri, Kunkuri, Block + Tahsil Kunkuri, District.
Jashpur (Chhattisgarh)

12. Amit Kumar Kashyap, S/o Shri Beni Kashyap, Aged About 35
Years Working As Assistant Teacher Panchayat, Presntly Posted
On Govt. Boys Higher Secondary School, Kunkuri, Block + Tahsil
Kunkuri, District. Jashpur (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And
Rural Development Department, Mahanadi Bhawan, New Raipur
(Chhattisgarh)
2. The Director, Department Of Panchayat & Rural Development,
Raipur, Distt. Raipur (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Jashpur, District Jashpur
(Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Kunkuri Distt. Jashpur
(Chhattisgarh)

---- **Respondents**

For Petitioners	:	Mr. Somkant Verma, Advocate.
For State	:	Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/10/2016

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**)
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