

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6205 of 2016

1. Santosh Panigrahi S/o. Shri. G. P. Panigrahi, Aged About 43 Years Lecturer (Panchayat), Govt. High School Mongrapal, Block Bakawand, Post Thana & District Bastar (Chhattisgarh).
2. Smt. Anita Panigrahi. W/o. Shri S. Panigrahi, Aged About 39 Years Lecturer (Panchayat), Govt. Hr. Sec. School Karitgaon, Block Bakawand, Post, Thana & District Baster (Chhattisgarh)
3. Smt. Hanifa Begam, W/o. Shri S. Khan, Aged About 40 Years Teacher (Panchayat), Govt. School Sivnaguda, Block Bakawand, Post Thana & Baster, District Baster (Chhattisgarh)
4. Riyaz Moh. Khan, S/o. Shri. K. M. Khan, Aged About 42 Years Teacher (Panchayat), Govt. Middle School Barda, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
5. Vidyaram Sethiya, S/o. Shri Ishwar Singh Sethiya, Aged About 45 Years Teacher (Panchayat), Govt. Middle School Barda, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
6. Tulsi Ram Sethiya, S/o. Shri S. R. Sethiya. Aged About 42 Years Lecturer (Panchayat), Govt. High School Tongkongera, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
7. Jadunath Bharti, S/o. Shri S. Bharti, Aged About 41 Years Lecturer (Panchayat), Govt. Hr. Sec. Karitgaon, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
8. Smt. Nilmani Baghel, W/o. Shri S. Baghel, Aged About 43 Years Assistant Teacher (Panchayat), Govt. Primary School Katachhipda, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
9. Smt. Meena Kashyap, W/o. Shri K. Kashyap, Aged About 43 Years Teacher (Panchayat), Govt. Middle School Chapapadar, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
10. Dayman Ram Bhadry S/o. Shri. M. Bhadry, Aged About 45 Years Lecturer (Panchayat), Govt. Hr. Sec. School Belputi, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)
11. Smt. Santoshi Mourya, W/o. Shri Y. Mourya, Aged About 43

Years Teacher (Panchayat), Govt. Middle School Chapapadar, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

12.Vashudev Mourya S/o. Shri V. R. Mourya, Aged About 45 Years Teacher (Panchayat), Govt. Middle School Naganar, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

13.Ashok Bisaaee. S/o. Shri. U. S. Bisaaee. Aged About 45 Years Lecturer (Panchayat), Govt. High School Badedevda, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

14.Dhneswar Baghel. S/o. Shri D. Baghel, Aged About 44 Years Teacher (Panchayat), Govt. Middle School Sautpur, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

15.Santosh Bisaaee. S/o. Shri. U. S. Bisaaee. Aged About 43 Years Teacher (Panchayat), Govt. Middle School Banaras, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

16.Smt. Manju Poonam Ekka. S/o. Shri. V. Ekka. Aged About 40 Years Lecturer (Panchayat), Govt. Girls Hr. Sec. School Lohdiguda, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

17.Smt. Urmila Mandavi, S/o. Shri. Ravishankar Mandavi, Aged About 43 Years Lectuer (Panchayat), Govt. Hr. Sec. School Belputi, Block Bakawand, Post & Thana Baster, District Baster (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through : Secretary, Department Of Panchayat And Rural Development, Department, Mahanadi Bhawan, New Raipur, (Chhattisgarh).
2. Chief Executive Officer, Zila Panchayat Baster District Baster Chhattisgarh
3. Block Education Officer, Block Bakawand, District Baster Chhattisgarh
4. Treasury Officer, Treasury Account And Pension, Baster District Baster Chhattisgarh

....**Respondents**

For Petitioners : Mr. Somkant Verma, Advocate

For State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/11/2016

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 has 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 case, 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/-

(Sanjay K. Agrawal)
Judge