

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6194 of 2016

1. Rajeev Panigrahi S/o. Shri J. H. Panigrahi, Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School Kosradongari (Retawand), Block Baster, Post & Thana Baster, District Baster (Chhattisgarh)
2. Ku. Poonam Meshram, D/o Shri M.L. Meshram, Aged About 32 Years Assistant Teacher Panchayat, Govt. Primary School Pujaripara, Block Baster, Post & Thana Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
3. Ku. Kavita Bamode D/o Shri K.R. Bamobde, Aged About 28 Years Assistant Teacher Panchayat, Govt. Middle School Chote Badranga, Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
4. Hanuman Singh Jagat, S/o Shri Hira Singh, Aged About 32 Years Assistant Teacher Panchayat, Govt. Middle School Kaparipara, Block Baster, Post & Thana Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
5. Onkar Panigrahi S/o Shri L. Panigrahi, Aged About 47 Years Teacher Panchayat, Govt. Middle School Sudhapal Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
6. Raju Ram Bhagat, S/o Shri M. Bhagat, Aged About 33 Years Teacher Panchayat, Govt. Middle School Sudhapal Block Baster, Post & Thana Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
7. Devendra Singh Thakur S/o Shri K. Thakur, Aged About 35 Years Assistant Teacher Panchayat, Govt. Primary School Bodanpal Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
8. Lav Kumar Sao S/o Shri S. Sao, Aged About 32 Years Assistant Teacher Panchayat, Govt. Primary School Bhaduguda (Echchapur), Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
9. Rajesh Yadav S/o Shri A.R. Yadav, Aged About 33 Years Assistant Teacher Panchayat, Govt. Primary School Chapka, Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh

10. Dhan Singh Baghel S/o Shri G.R. Baghel Aged About 33 Years Assistant Teacher Panchayat, Govt. Primary School Chapka, Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
11. Dev Krishna Panigrahi, S/o Shri S. Panigrahi, Aged About 40 Years Teacher Panchayat, Govt. Middle School Kurushpal, Block Baster, Post & Thana Block Baster, Post & Thana Baster, District Baster Chhattisgarh
12. Dev Kumar Nag, S/o Shri M.R. Nag, Aged About 32 Years Assistant Teacher Panchayat, Govt. Primary School Junagudapara, Block Baster, Post & Thana Block Baster, 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 Baster, District Baster Chhattisgarh
4. Treasury Officer, Treasury Account And Pension, Baster District Baster Chhattisgarh

....Respondents

For Petitioners : Mr. Somkant Verma, Advocate

For State : Mr. Prasun Bhaduri, G.A.

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

L/-