

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4277 of 2016**

- Shivpad Mallick S/o Shri Tarapad Mallick, Aged About 45 Years Occupation Service, Working As Shiksha Karmi (Panchayat), Government Higher Secondary School Dharamjaigarh Colony, Tahsil Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban 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 Director, Directorate Of Public Education, Indrawati Bhawan, New Raipur, (Chhattisgarh)
4. The Chief Municipal Officer, Nagar Palika- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Vivek Bhakta, Advocate
For State	:	Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/09/2016**

Heard on admission.

1. This petition has been filed by the petitioner working as Shiksha Karmi, Class-III, seeking relief that the respondent authorities be directed to give the service benefits as provided under Chhattisgarh Shikshak (Nagariya Nikay) Samvarg (Recruitment and Conditions of Service) Rules, 2013 (hereinafter called as 'the Rules') to the petitioner, which is given to the employees' of Urban Body. In this petition, the only prayer made that the representation of the petitioner be considered and decided by the respondent authorities but no specific details of service benefits have been

mentioned in the petition. The service benefits which are given to the employees' of the Urban Body are not mentioned in the petition and without mentioning the specific service benefits or without reference to any provision of the Rules governing terms and condition of service, such prayer has been made by the petitioner.

2. Learned counsel for the petitioner submits that similar issue has been considered and decided by the Division Bench of this Court in **Writ Appeal No.321 of 2011 (Smt. Gayatri Nirmalkar & others v. State of Chhattisgarh & Others)** and analogous writ appeals on **15/09/2014**.
3. A bare perusal of order dated 15/09/2014 passed by the Division Bench of this Court in Writ Appeal No. 321 of 2011, shows that the Court has held that disputed question as to what benefits are to be given to the employees' of Janpad Panchayat and Jila Panchayat has been raised, which can appropriately be considered and decided by the Secretary, Department of Panchayat and Social Welfare. The Division Bench has allowed the petitioners to file representations before the Secretary, Department of Panchayat and Social Welfare and the Secretary, Department of Panchayat and Social Welfare be directed to consider and decide their representations by way of speaking order.
4. I have gone through the pleadings in this petition, no specific details of service benefits have been mentioned which was given to the employees' of Urban Body and therefore, no specific direction can be issued to grant the service benefits. However, considering the batch of appeals, which was decided by Division Bench of this

Court, in which, appellants therein were directed to make representations before the Secretary, Department of Panchayat and Social Welfare and the Secretary was directed to consider and decide her representation, this petition may also be disposed off in similar terms as Writ Appeal No.321 of 2011. The petitioner may file representation before the Secretary, Department of Urban and Rural Development giving details of the service benefits of the employees' of Urban Body, this petition also be decided in similar terms as **Writ Appeal No.321 of 2011 (Smt. Gayatri Nirmalkar & others v. State of Chhattisgarh & Others)** and analogous writ appeals on **15/09/2014**.

5. If the grievance of the petitioner is not redressed/fully redressed, it would be open for the petitioner to revive the petition.
6. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge