

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 5921 of 2016**

1. Smt. Sushila Tanden, aged about 32 years, widow of late Manoj Lahre, occupation – Service, working as-Shiksha Karmi (Asst. Teacher-Panchyat), Gr.III, Government Primary School-Basantpur, Sankul-Dhodagaon, Post Rajkot, Tahsil and Janpad Panchayat- Dharamjaigarh, Distt. Raigarh (C.G.)
2. Smt. Merry Pushpa Xess, aged about 36 years, wife of Shri Ajay Kumar Xess, occupation – Service, Working as Shiksha Karmi (Asst. Teacher- Panchayat), Gr. III, Government Primary School-Ghutrapara, Godhikhurd; Post – Kapu, Tahsil and Janpad Panchayat -Dharamjaigarh, Distt. Raigarh (C.G.)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through the secretary, Department of Panchayat and Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
2. The Secretary, Department of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
3. The District Education Officer, Raigarh, Distt. Raigarh (C.G.)
4. The Chief Executive Officer, Zila Panchayat – Raigarh (C.G.)
5. The Chief Executive Officer, Janpad Panchayat – Dharamjaigarh, Distt. Raigarh (C.G.)

---- Respondents

For Petitioners : Mr. Shailesh Puriya, Advocate.
 For Respondents 1to 3/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/10/2016**

Heard.

(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 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 representation 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 order 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 petitioner has enumerated the service benefit claimed by them in terms of Rule 12 of the Rules 2012.

(7) Therefore, taking into consideration the 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 petitioner is not redressed/fully redressed, it would be open for the petitioner to revive the petition.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-