

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6166 of 2016

1. Jivendra Pandey S/o Shri L. Pandey, Aged About 42 Years
Lecturer Panchayat Govt. Hr. Sec School, Badeamabal, Block
Baster, Post & Thana Baster Post & Thana Bastar Distirct
Bastar Chhattisgarh
2. Murlidhar Meshram, S/o Shri R.D. Meshram, Aged About 45
Years Teacher Panchayat Govt. Middle School Kurushpal,
Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
3. Jitendra Kumar Pandey, S/o Shri B.N. Pandey, Aged About 45
Years Teacher Panchayat Govt. Middle School Kurushpal,
Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
4. T.R. Baghel, S/o Shri H.R. Baghel Aged About 45 Years
Teacher Panchayat Govt. Middle School Mudiguda Bodra, Block
Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
5. Smt. Anju Meshram, W/o Shri M.D. Meshram, Aged About 39
Years Teacher Panchayat Govt. Middle School Mundagaon,
Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh
6. Bhupendra Padhi S/o Shri K. Pandhi, Aged About 40 Years
Lecturer Panchayat Govt. High School Sudhapal, Block Baster,
Post & Thana Baster, Distirct Baster Chhattisgarh
7. Prakash Pandey S/o Shri S.N. Pandey, Aged About 42 Years
Lecturer Panchayat, Govt. Hr. School, Mundagaon, Block
Bastar Post & Thana Baster Distirct Bastar Chhattisgarh
8. Tonu Ram Patel , S/o Late Laxman Patel, Aged About 42 Years
Teacher Panchayat Govt. Middle School Gudipara (Amabal),
Block Baster, Post & Thana Baster, Distirct Baster Chhattisgarh

---- Petitioners

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 Bastar, District Bastar
Chhattisgarh
3. Block Education Officer, Baster, District Bastar Chhattisgarh

4. Treasury Officer, Treasury Account And Pension Baster, District Bastar Chhattisgarh

....Respondents

For Petitioners : Mr. Somkant Verma, Advocate

For State : Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/11/2016

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/-