

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4741 of 2016

1. Chakradhar Patel S/o Shri Balud Ram Patel, Aged About 49 Years
Occupation- Service, Working As Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Rupunga, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
2. Gujraj Patel, S/o Late Bhagat Ram Patel, Aged About 46 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Rupunga, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
3. Ramcharan Sahu, S/o Shri Jailal Sahu, Aged About 38 Years
Occupation- Service, Working As- Shiksha Karmi, Grade III, (Asst. Teacher- Panchayat), Government Middle School- Rupunga, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
4. Rohit Kumar Patel, S/o Shri Shiv Prasad Patel, Aged About 43 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Narkalo, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
5. Ram Ratan Singh Rathia, S/o Shri Anand Singh Rathia, Aged About 43 Years
Occupation- Service, Working As - Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Semipali, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
6. Smt. Rajni Gupta, W/o Shri S. L. Gupta, Aged About 45 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Mnagdarah, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
7. Ku. Nirmala Sendre, D/o Chandramni Sendre, Aged About 45 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Shahpur, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
8. Smt. Fulmatiya Minj (After Marriage Lakra), W/o Walter Lakra, Aged About 40 Years
Occupation - Service, Working As- Shiksha Karmi, Grade II, (Asst Teacher- Panchayat), Government Middle School- Shahpur, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
9. Smt. Durga Bhakta, Wd/o Late Ravindra Nath Bhakta, Aged About 49 Years
Occupation- Service, Working As- Shiksha Karmi, Grade

II, (Asst. Teacher- Panchayat) Government Middle School- Khadgaon, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

10. Ku. Prema Minj, D/o Shri G. Minj, Aged About 42 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Narkalo, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
11. Smt. Kiran Ekka, W/o Shri Mariyanus Ekka, Aged About 44 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat) Government Middl School- Durgapur Colony, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
12. Smt. Agnesiya Kerketta, W/o Shri Mortine Kerketta, Aged About 45 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Jogda, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)
13. Krishna Kumar Sahu, S/o Shri Dubraj Sahu, Aged About 37 Years
Occupation- Service, Working As- Shiksha Karmi, Grade II, (Asst. Teacher- Panchayat), Government Middle School- Jogda, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh (Chhattisgarh)
14. Yogit Kumar Patel, S/o Shri Shiv Prasad Patel, Aged About 38 Years
Occupation- Service, Working As- Shiksha Karmi Grade III, (Asst. Teacher- Panchayat), Government Primary School- Ududa, Janpad Panchayat And Tahsil- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat 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 District Education Officer, Raigarh, Distt. Raigarh, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat- Raigarh, (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat- Dharamjaigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Shailesh Puriya, Advocate.
For State	:	Mr. R.K. Gupta, Dy. A.G., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/09/2016

Heard.

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 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 cases, 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/-

(Manindra Mohan Shrivastava)
J U D G E