

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 7479 of 2007**

1. Ku. Sushila Bhuarya, D/o Shri Bal Singh, Aged about -28 years, M. Uchh Madhayamik Shala Couriya Fuljhodo block-Manpur, Distt. Rajnandgaon (C.G.)
2. Nutan Singh Komarya, S/o Puranlal Komarya, S/o Puranlal Komarya, Aged about 34 years, Shiksha Karmi Grade II, Naveen Uchh Prathmik Shala, Saroli-block Manpur, Distt. Rajnandgaon (C.G.)
3. Smt. Haimashewari Dewangan, W/o M.L. Dewangan, Aged about -29 years, Occupation – Shikshakarmi Grade-II, High School, Tolum, Manpur, Distt. Rajnandgaon (C.G.)
4. Bheshchand Patel, S/o Shakha Ram, Aged about -35 years, Occupation -Shiksha Karmi Grade-2, Uchh Prathmik Shala Chouria, Block – Manpur, Distt. Rajnandgaon (C.G.)
5. Ku. Padma Gaware, D/o Ramlal Gaware, Aged about 33 years, Occupation – Shiksha Karmi, Grade-II, Uchh Prathmik Shala Hathra, Block- Manpur, Distt. Rajnandgaon (C.G.)
6. Gayatri Mahobia, C/o Faguram, Aged about -33 years, Occupation – Shiksha Karmi Grade-II, Uchh Prathmik Shala, Kandadi, Block- Manpur, Distt. Rajnandgaon (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, through : the Secretary, Department of Panchayat And Village Development Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Rajnandgaon, Distt. Rajnandgaon (C.G.)
3. Block Education Officer, Manpur and In-charge Chief Executive Officer Janpad Panchayat, Block-Manpur, Distt. Rajnandgaon (C.G.)
4. Shri L.S. Pradhan, Block Education Officer, Manpur and Incharge Chief Executive Officer, Janpad Panchayat, Block – Manpur, Distt. Rajnandgaon (C.G.)

---- Respondents**W.P. (S) No. 7519 of 2007**

1. Diwaker Borker, S/o Shri Vatuji Borker, Aged about 40

years, Occupation Shikshakarmi-Grade -II, Naveen Uchh Prathmik Shala Bangdogri, Distt. Rajnandgaon (C.G.)

2. Ramesh Kumar Salame, S/o Shri Dhaniram Salame, Aged about 34 years, Occupation – Shiksha Karmi Grade-Naveen Uchh Prathmik Shala-Dabba-Block- Manpur, Distt. Rajnandgaon (C.G.)
3. Thakur Ram Tandia, S/o Shyam Singh Tandia, Aged about -36 years, Occupation – Shikshakarmi grade -2, Naveen Uchh Prathmik Shala, Gubiagarh- Manpur, Distt. Rajnandgaon (C.G.)
4. Smt. Kuleshwari Deshmukh, W/o Shri Nandlal Deshmukh, Aged about-33 years, Occupation -Shikshakarmi Grade-2, Naveen Uchh Prathmik Shala, Gubiagarh Manpur, Distt. Rajnandgaon (C.G.)
5. Shri Vidya Bhushan Bhuarya, S/o late Shri Puarn Singh Bhuarya, Aged about -32 years, Occupation -Shiksha Karmi Grade-2, Naveen Uchh Prathmik Shala Biriya (Manpur), Distt. Rajnandgaon (C.G.)
6. Khemlal Patel, S/o Shri Chandan Singh Patel, Aged about -31 years, Occupation – Shikshakarmi-Grade-2, Naveen Uchh Prathmik Shala Saroli (Manpur), Distt. Rajnandgaon (C.g.)
7. Smt. Pushpa Deshmukh, W/o Shri Dushyant Deshmukh, Aged about 39 years, Naveen Uchh Prathmik Shala Saroli (Manpur), Distt. Rajnandgaon (C.g.)
8. Smt. Nirmala Deshmukh, W/o Shri Ganesh Prasad Deshmukh, Aged about -39 years, High School-Baseli (Manpur), Distt. Rajnandgaon (C.G.)
9. Ku. Kaushalaya Yarda, S/o Shri Hiralal Lal, Aged about -29 years, Occupation – Shiksha Karmi Grade-2, Naveen Prathamik Shala-Bangdogri (Manpur), Distt. Rajnandgaon (C.G.)
10. Lakhan Lal Yadav, S/o Shri Sukh Ram Yadav, Aged about -39 years, Occupation – Shiksha Karmi Grade-2, Naveen Prathmik Shala, Bandhatola (Manpur), Distt.-Rajnandgaon (C.G.)
11. Yasu Rm Rawate, S/o Shri Mohatoram Rawate, Aged about -34 years, Occupation – Shiksha Karmi Grade-2, Naveen Uchh Prathmik Shala Bandhatola (Manpur), Distt. Rajnandgaon (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, through : the Secretary, Department of Panchayat And Village Development Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Rajnandgaon, Distt. Rajnandgaon (C.G.)
3. Block Education Officer, Manpur and In-charge Chief Executive Officer Janpad Panchayat, Block-Manpur, Distt. Rajnandgaon (C.G.)
4. Shri L.S. Pradhan, Block Education Officer, Manpur and Incharge Chief Executive Officer, Janpad Panchayat, Block – Manpur, Distt. Rajnandgaon (C.G.)

---- Respondents

For Petitioners: Ms. Deepali Pandey, Advocate.
 For Respondents/State: Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/01/2017

(1) Since common question of law and facts and involved in both the writ petitions, they are being disposed of by this common order.

(2) The petitioners herein were initially appointed on the post of Shiksha Karmi Grade-III and thereafter they have been promoted on the post of Shiksha Karmi Grade -II by order dated 2.6.2006 & 29.7.2006, respectively. However, the above promotion orders were cancelled by Additional Collector, Rajnandgaon vide order dated 29.9.2006.

(3) The order of Additional Collector, Rajnandgaon dated 29.09.2006 has been challenged by the petitioners in Writ Petition (S) No. 5651/2006, in which this Court has stayed the order dated 29.09.2006 and it is informed that this interim order is still operative and the writ petition is pending consideration.

(4) Grievance of the petitioners is that they are continuously working on the promoted post of Shiksha Karmi Grade -II pursuant to the promotion order dated 2.6.2006 & 29.7.2006, respectively but they are not being paid salary despite interim order dated 29.9.2006 passed by this Court staying the order 29.9.2006.

(5) Be that as it may, the petitioners are directed to make representation to respondent No. 2- Collector, Rajnandgaon, who will look into the same and pass reasoned order expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order in accordance with law considering the fact that the order of cancellation of promotion has already been stayed by this Court by order dated 26.10.2016 passed in W.P. (S) No. 5651/2006 and that order is still operative and the writ petition is pending consideration.

(6) With the aforesaid observations, the writ petitions stand finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-