

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 362 of 2017

1. Chunlesh Kumar Sahu S/o Late Shri Gyandas Sahu, Aged About 48 Years Post Teacher Panchayat, Posted At Government Middle School Bhedikala, R/o Gokuldharm Society, Gokulnagar, Ward No. 45, Kourinbhata, Rajnandgaon, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
2. Dilip Kumar Verma, S/o Shri Pukan Lal Verma, Aged About 47 Years Post Lecturer Panchayat, Posted At Govt. H. S. School Station Murhipar, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
3. Parmanand Sahu, S/o Shri Ram Prasad Sahu, Aged About 42 Years Post Teacher Panchayat, Posted At Government Middle School Dilapahri, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. Sudhir Kumar Sinha, S/o Shri Jagdev Kumar Sinha, Aged About 48 Years Post Teacher Panchayat, Posted At Government M. S. Bhedikala, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
5. Smt. Anju Bhoyar, W/o Shri Ravindra Bhoyar, Aged About 44 Years Post Teacher Panchayat, Posted At Government Middle School Dhaba, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
6. Prem Singh Pishda, S/o Shri Pyare Lal Pishda, Aged About 42 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Bundelikhurd Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
7. Amjad Ali, S/o Shri Hasan Ali, Aged About 37 Years Post Teacher Panchayat, Posted At Govt. Middle School Sundra, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
8. Hemant Kumar Dondilkar, S/o Shri Vasant Rao Dondilkar, Aged About 43 Years Post Teacher Panchayat, Posted At Government H.S. School Murhipar, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
9. Rajendra Kumar Vaishnav, S/o Shri Madan Das Vaishnav, Aged About 46 Years Post Asst. Teacher Panchayat, Posted At Government P. S. Khairjithi, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)

10. Smt. Versha Kathane, W/o Shri Manish Kathane, Aged About 36 Years Post Asst. Teacher Panchayat, Posted At Government P. S. Khairjithi, Tahsil & District Rajnandgaon (Chhattisgarh)
11. Smt Savita Ganvir, W/o Shr Kishore Ganvir, Aged About 46 Years Post Teacher Panchayat, Posted At Government M. S. Bakal, Block Dongargaon, Tahsil & District Rajnandgaon (Chhattisgarh)
12. Smt. Devki Sinha, W/o Shri Sudhir Kumar Sinha, Aged About 43 Years Post Teacher Panchayat, Posted At Government M. S. Bhathagaon, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
13. Chetan Anand Verma, S/o Shri Rajendra Kumar Verma, Aged About 35 Years Post Lecturer Panchayat, Posted At Government High School Harduwa, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
14. Jyoti Dewangan, W/o Shri Jagat Ram Dewangan, Aged About 39 Years Post Teacher Panchayat, Posted At Government Middle School Kakrel, Tahsil & District Rajnandgaon (Chhattisgarh)
15. Trilok Dewangan, S/o Shri Jagat Ram Dewangan, Aged About 37 Years Post Lecturer Panchayat, Posted At Government Higher Secondary School Bhaishatara, Tahsil & District Rajnandgaon (Chhattisgarh)
16. Ashlekha Dewangan, W/o Shri Trilok Dewangan, Aged About 32 Years Post Teacher Panchayat, Posted At Government Middle School Stateshan Mudipar, Tahsil & District Rajnandgaon (Chhattisgarh)
17. Reena Dewangan, W/o Shri Ajay Dewangan, Aged About 31 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Batgaon, Tahsil & District Rajnandgaon (Chhattisgarh)
18. Kirti Dewangan, W/o Shri Arjun Dewangan, Aged About 34 Years Post Teacher Panchayat, Posted At Government Middle School Bodena, Block Gunderdehi, District Balod (Chhattisgarh)
19. Lalchand Madame, S/o Shri Kishan Lal Madame, Aged About 47 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Joratarai, Tahsil & District Rajnandgaon (Chhattisgarh)
20. Jwala Giri Goswami, S/o Shri A. G. Goswami, Aged About 49 Years Post Teacher Panchayat, Posted At Government

Middle School Kakrel, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)

21. Smt. Uttara Tiwari, W/o Shri Suryahas Tiwari, Aged About 44 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Dharmapur, Tahsil & District Rajnandgaon (Chhattisgarh)
22. Jatiraj Bahadur Deshlahara, S/o Shri Balloo Ram Deshlahara, Aged About 43 Years Post Teacher Panchayat, Posted At Government Middle School Indamara, Tahsil & District Rajnandgaon (Chhattisgarh)
23. Smt. Kalyani Yadav, W/o Shri Sudesh Yadav, Aged About 48 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Joratarai, Tahsil & District Rajnandgaon (Chhattisgarh)
24. Smt. Meenakshi Sinha, W/o Shri B. K. Sinha, Aged About 37 Years Post Teacher Panchayat, Posted At Government Middle School Bhedikala, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
25. Rajesh Kumar Kanware, S/o Shri Gendlal Kanware, Aged About 42 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Bhedikala, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
26. Smt. Kaushal Bharti Yadu, W/o Shri Vinod Yadav, Aged About 43 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Manki, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
27. Shatruhan Sahu, S/o Shri Jamuna Lal Sahu, Aged About 37 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Surgi, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
28. Smt. Preet Bai Sahu, W/o Shri Shatruhan Sahu, Aged About 34 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Kotra Bhantha, Tahsil & District Rajnandgaon (Chhattisgarh)
29. Smt. Hemlata Verma, W/o Shri Dilip Verma, Aged About 38 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Bhardakhurda, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
30. John Livingstone, S/o Shri Walter Livingstone, Aged About 54 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Devdongar, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)

31. Brijesh Verma, S/o Late Shri Milan Verma, Aged About 48 Years Post Lecturer Panchayat, Posted At Govt. H. S. School Bakhat Rengakathera, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
32. Smt. Nisha Thakur, W/o Shri Sunil Thakur, Aged About 42 Years Post Teacher Panchayat, Posted At Govt. Middle School Thakurtola, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
33. Surendra Kumar Bhardwaj, S/o Late Shri Firturam Bhardwaj, Aged About 47 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Kakrel, Tahsil & District Rajnandgaon (Chhattisgarh)
34. Gyaneshwar Lal Sahu, S/o Shri Jeevan Lal Sahu, Aged About 50 Years Post Teacher Panchayat, Posted At Govt. Middle School Thakurtola, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
35. Shrikesh Kumar Sharma, S/o Late Shri Shiv Kumar Sharma, Aged About 48 Years Post Lecturer Panchayat, Posted At Govt. H.S. School Tilai Rajnandgaon, Tahsil & District Rajnandgaon (Chhattisgarh)
36. Vinod Ravna, S/o Shri Sarju Prasad Ravna, Aged About 44 Years Post Lecturer Panchayat, Posted At Government H.S. School Station Murhipar, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
37. Shanker Lal Mandavi, S/o Shri Bali Ram Mandavi, Aged About 47 Years Post Teacher Panchayat, Posted At Govt. M. S. Dhiri, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
38. Khem Raj Sahu, S/o Shri Bahur Ram Sahu, Aged About 45 Years Post Teacher Panchayat, Posted At Government Middle School I R A, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
39. Smt. Saroj Lata Sahu, W/o Shri Khem Raj Sahu, Aged About 42 Years Post Teacher Panchayat, Posted At Government Middle School I R A, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
40. Kamal Kant Sahu, S/o Shri Hiralal Sahu, Aged About 39 Years Post Teacher Panchayat, Posted At Government Middle School Rengakathera, Block Dongargaon, District Rajnandgaon (Chhattisgarh)
41. Uday Ram Dewangan, S/o Shri Babu Lal Dewangan, Aged About 52 Years Post Teacher Panchayat, Posted At

Government Middle School Pinkapar, Block Dongargarh, District Rajnandgaon (Chhattisgarh)

42. Hariram Sawarkar, S/o Shri Daya Ram Swarkar, Aged About 44 Years Post Teacher Panchayat, Posted At Government Middle School Alhanavagaon, Block Khairagarh District Rajnandgaon (Chhattisgarh)
43. Tikendra Kumar Sahu, S/o Shri Kripa Ram Sahu, Aged About 45 Years Post Teacher Panchayat, Posted At Govt. H. S. School Bari, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
44. Smt. Suchitra Sahu, W/o Shri Meghnath Sahu, Aged About 41 Years Post Lecturer Panchayat, Posted At Govt. H. S. School Rezakathera (Bakhat), Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
45. Smt. Champa Das, W/o Shri Sudeep Das, Aged About 55 Years Post Teacher Panchayat, Posted At Govt. H. S. School Murhipar, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
46. Smt. Archana Kulkarni, W/o Shri Tushar Kulkarni, Aged About 44 Years Post Lecturer Panchayat, Posted At Government High School Buddhu Bharda, Block Dongargaon, District Rajnandgaon (Chhattisgarh)
47. Smt. Savita Shrivastava, W/o Shri Yashwant Shrivastava, Aged About 35 Years Post Teacher Panchayat, Posted At Govt. M. S. Thakurtola, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
48. Pravin Gotekar, S/o Shri Shatrughan Gotekar, Aged About 40 Years Post Lecturer Panchayat, Posted At Government High School Paneka, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
49. Smt. Radhika Dewangan, W/o Shri Baburam Dewangan, Aged About 41 Years Post Teacher Panchayat, Posted At Govt. M. S. Khairjhiti, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
50. Gajanan Patil, S/o. Shir Himmat Lal Patil, Aged About 39 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Parasbod, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
51. Smt. Anjali Verma, W/o Shri Brijesh Verma, Aged About 40 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Chaveli, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)

52. Miss Sadhana Vaishnav, D/o Shri Narhari Das Vaishnav, Aged About 51 Years Post Teacher Panchayat, Posted At Govt. M. S. Thelkadih, Block Khairagarh, District Rajnandgaon (Chhattisgarh)
53. Smt. Vandana Das Vaishnav, W/o Shri Lalit Mohan Das Vaishnav, Aged About 53 Years Post Teacher Panchayat, Posted At Govt. High School Devkatta, Block Dongargarh, District Rajnandgaon (Chhattisgarh)
54. Smt. Mamta Tiwari, W/o Shri Santosh Kumar Tiwari, Aged About 41 Years Post Teacher Panchayat, Posted At Govt. Middle School Kanketara, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
55. Santosh Kumar Tiwari, S/o Late Shri D. N. Tiwari, Aged About 49 Years Post Teacher Panchayat, Posted At Government Middle School Khuteri, Block & Tahsil Rajnandgaon, District Rajnandgaon (Chhattisgarh)
56. Praveen Kumar Dewangan, S/o Shri Humendra Kumar Dewangan, Aged About 31 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Padbeda, Block Antagarh, District Kanker (Chhattisgarh)
57. Smt. Neelam Dewangan, W/o Shri Praveen Kumar Dewangan, Aged About 30 Years Post Asst. Teacher Panchayat, Posted At Government Primary School Kachwar, Block Antagarh, District Kanker (Chhattisgarh)
58. Vishwanath Rawte, S/o Shri Binjhwar Rawte, Aged About 40 Years Post Asst. Teacher Panchayat, Posted At Government Primary School N P S Chihkatola, Block Mohla, District Rajnandgaon (Chhattisgarh)
59. Daleshwar Kumar Dewangan, S/o Shri Dukhu Ram Dewangan, Aged About 36 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Khairvar, Block Dongargarh, District Rajnandgaon (Chhattisgarh)
60. Smt. Anita Dewangan, W/o Shri Daleshwar Kumar Dewangan, Aged About 28 Years Post Asst. Teacher Panchayat, Posted At Govt. P. S. Mendha, Block Dongargarh, District Rajnandgaon (Chhattisgarh)
61. Smt. Laxmi Wasnik, W/o Shri Adarsh Wasnik, Aged About 39 Years Post Teacher Panchayat, Posted At Government Middle School Bhothipar Khurd Naya, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)
62. Smt. Arti Soni, W/o Shri Pramod Soni, Aged About 35 Years Post Teacher Panchayat, Posted At Government Middle

School Ranitarai, Block Rajnandgaon, District Rajnandgaon
(Chhattisgarh)

63. Smt. Santoshi Sharma, W/o Shri Sailendra Sharma, Aged About 38 Years Post Teacher Panchayat, Posted At Government Middle School Ranitarai, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)
64. Smt. Sarita Minj, W/o Shri Patrick Minj, Aged About 38 Years Post Teacher Panchayat, Posted At Government Middle School Ranitarai, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)
65. Kuldeep Kumar Dewangan, W/o Shri Humendra Kumar Dewangan, Aged About 38 Years Post Teacher Panchayat, Posted At Govt. M. S. Aalikhunta, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Ministry, Mahanadi Bhavan, New Raipur, District Raipur (Chhattisgarh)
2. The Director, Department Of Panchayat & Rural Development, Raipur, District Raipur (Chhattisgarh)
3. Chief Executive Officer, District Panchayat, Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. Chief Executive Officer, District Panchayat, Balod, District Balod (Chhattisgarh)
5. The Chief Executive Officer, District Panchayat Kanker, District Kanker (Chhattisgarh)

....Respondents

For Petitioners : Mr. Alok Kumar Dewangan, Advocate

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

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/01/2017

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/-