

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4014 of 2016**

1. Awadh Kishore Sidar S/o Late Shri Bhodo Ram Sidar, Aged About 41 Years Assistant Teacher Panchayat Government Primary School, Khemda, Block Malkharoda District Janjgir Champa Chhattisgarh
2. Jhangalu Ram Khunte S/o Late Shri B.R. Khunte, Aged About 45 Years Assistant Teacher Panchayat Government Primary School Chhotemudpar, Block Malkharoda, District Janjgir Champa Chhattisgarh
3. Vishamber Sahu, S/o S.R. Sahu, Aged About 47 Years Assistant Teacher Panchayat Government Middle School, Marghatikhas Block Malkharoda, District Janjgir Champa Chhattisgarh
4. Shani Ram Bhardwaj S/o Raghunandan Bhardwaj, Aged About 42 Years Assistant Teacher Panchayat Government Primary Badekot, Khemda, Block Malkharoda, District Janjgir Champa Chhattisgarh
5. Ku. Ahilya Bharti, D/o R.C. Bharti, Aged About 42 Years Assistant Teacher Panchayat Government Primary School, Charpara Block Malkharoda District Janjgir Champa Chhattisgarh
6. Kamhan Sao Sahu, S/o Chhat Ram Sahu, Aged About 48 Years Assistant Teacher Panchayat Government Primary School, Rampota, Block Malkharoda District Janjgir Champa Chhattisgarh
7. Krishna Kumar Satranj, S/o Late Shri B.R. Satranj, Aged About 43 Years Assistant Teacher Panchayat Government Primary School, Kudhari, Block Malkharoda District Janjgir Champa Chhattisgarh
8. Uttak Kumar Chouhan S/o Late Shri Lachhi Ram, Aged About 47 Years Assistant Teacher Panchayat Government Primary School, Shanti Chowk Seepatkala, Block Malkharoda District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. Under Secretary, Panchayat And Rural Development, Mahanadi

Bhawan, Mantralaya New Raipur Chhattisgarh

3. Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir Champa Chhattisgarh
5. Block Education Officer, Block Malkharoda, District Janjgir Champa Chhattisgarh

---- Respondent

And

WPS No. 2058 Of 2016

1. Mayaram Satranj S/o Reshamlal Satranj, Aged About 48 Years Assistant Teacher (Panchayat), Government Primary School, Baderaveli, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
2. Radheshyam Chandra S/o Dil Chand Chandra, Aged About 45 Years Assistant Teacher (Panchayat), Government Primary School, Mohondikala, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
3. Ram Shankar Singh Sidar S/o Megalu Ram Sidar, Aged About 40 Years Assistant Teacher (Panchayat), Government Primary School, Mahuldihi, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
4. Rajendra Kumar Jaltare, S/o Shvi Prasad Jaltare, Aged About 44 Years Assistant Teacher (Panchayat), Government Primary School, Jobapara, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
5. Ghanshyam Lal Chandra, S/o Sunder Lal Chandra, Aged About 46 Years Assistant Teacher (Panchayat), Government Primary School, Nawagaon, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
6. Gokul Prasad Sinha, S/o Babulal Sinha, Aged About 44 Years Assistant Teacher (Panchayat), Government Primary School, Sukli Pali, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
7. Dhananjai Kumar Gabel S/o Gajanand Prasad Gabel, Aged About 43 Years Assistant Teacher (Panchayat), Government Primary School, Bandhwa Bhatapara Bandora, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
8. Dewari Lal Yadav S/o Bhakalu Ram Yadav, Aged About 45 Years Assistant Teacher (Panchayat), Government Primary School, Chikhli,

Block Malkharoda, District Janjgir Champa (Chhattisgarh)

9. Gyaneswari Chandra W/o Nand Kumar Chandra, Aged About 40 Years Assistant Teacher (Panchayat), Government Primary School, Katari, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
10. Shyamlal Katakwar S/o Daduram Katakwar, Aged About 48 Years Assistant Teacher (Panchayat), Government Primary School, Hardi, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
11. Shyamlal Vishwakarma S/o Mangal Singh Vishwakarma, Aged About 43 Years Assistant Teacher (Panchayat), Government Naveen Girls Middle School Adabhar, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
12. Raj Kumari Gabel W/o Ajit Kumar Gabel, Aged About 48 Years Assistant Teacher (Panchayat), Government Primary School, Darrabhata, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
13. Pitamber Kumar Gabel S/o Amar Singh Gabel, Aged About 42 Years Assistant Teacher (Panchayat), Government Primary School, Pikripar, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
14. Vimla Koshley, W/o Rohit Kumar Koshley, Aged About 42 Years Assistant Teacher (Panchayat), Government Primary School, Sipat Khurd, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
15. Pawan Kumar Chandra S/o Damodhar Prasad Chandra, Aged About 51 Years Assistant Teacher (Panchayat), Government Primary School, Beerbhata, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
16. Ram Pyari Sahu W/o Bhuneshwar Prasad Sahu, Aged About 40 Years Assistant Teacher (Panchayat), Government Primary School, Achritpali, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
17. Ashok Kumar Khunte, S/o Tilak Ram Khunte, Aged About 46 Years Assistant Teacher (Panchayat), Government Primary School, Pirda, Block Malkharoda, District Janjgir Champa (Chhattisgarh)
18. Ram Pyari Jaiswal, W/o Lakhan Lal Jaiswal, Aged About 50 Years Assistant Teacher (Panchayat), Government Primary School, Basin, Block Malkharoda, District Janjgir Champa (Chhattisgarh)

---- **Petitioner**

Vs

1. The State Of Chhattisgarh Through : The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New

Raipur (Chhattisgarh)

2. Under Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir Champa (Chhattisgarh)
5. Block Education Officer, Block Malkharoda, District Janjgir Champa (Chhattisgarh)

---- Respondent

And

WPS No. 2546 Of 2016

1. Indrakumar Patel S/o Late Shri Trilochan Patel, aged 42 years, Assistant Teacher (Panchayat), Govt. Higher Secondary School, Reda (S), Block Dabhra, District Janjgir Champa, R/o Village & Post Salhe, Via Chandrapur, District Janjgir Champa (Chhattisgarh)
2. Sunder Lal Patel S/o Shri Rambharosh Patel, Aged About 46 Years Assistant Teacher (Panchayat), Govt. Higher Secondary School, Pendruwa, Block Dabhra, District Janjgir Champa, R/o Village Badadarha Post Kanwli, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
3. Smt. Rajkumari Chouhan W/o Shri Vijay Kumar Chouhan, Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School, Tulsidih, Block Dabhra, District Janjgir Champa, R/o Village & Post Kirari, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
4. Suraj Kumar Mahant S/o Shri Nagadas Mahant, Aged About 48 Years Assistant Teacher (Panchayat), Primary School, Katekoni Kala, Block Dabhra, District Janjgir Champa, R/o Village Turkapali, Post Chhotekate Koni, Tahail Dabhra, District Janjgir Champa (Chhattisgarh)
5. Smt. Urmila Sidar W/o Chandan Singh Sidar, Aged About 37 Years Assistant Teacher (Panchayat), Primary School, Sursi, Block Dabhra, District Janjgir Champa, R/o Village & Post Sursi- Salhe, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
6. Deendayal Karsha S/o Shri Kartik Ram Karsha, Aged About 44 Years Assistant Teacher Science (Panchayat), Govt. H.S.S. School, Kotmi,

Block Dabhra, District Janjgir Champa, R/o Village & Post Kotmi,
Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)

7. Smt. Chhatarkunwar Patel W/o Shri Dayanidhi Patel, Aged About 45 Years Assistant Teacher, Govt. Primary School, Deverghata, Block Dabhra, District Janjgir Champa, R/o Devarghata, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Panchayat And Rural Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Chief Executive Officer, Jila Panchayat, Janjgir Champa, District Janjgir Champa (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Dabhra, District Janjgir Champa (Chhattisgarh)
4. Block Education Officer, Dabhra, District Janjgir Champa (Chhattisgarh)
5. Joint Director Treasury, Account & Pension, Bilaspur Division, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

And

WPS No. 2349 Of 2016

1. Santan Kumar Bhaiya S/o Anjor Ram Bhaiya, Aged About 44 Years Assistant Teacher (Panchayat), Govt. Primary School Uichhpinda, Block Dabhra, District Janjgir Champa, (Chhattisgarh)
2. Rajendra Kumar Patel, S/o Shri Bharat Lal Patel, Aged About 43 Years Assistant Teacher (Panchayat) Primary School, Radhapur, Block Dabhra, District Janjgir Champa, R/o Pendaruwa, Post Pendaruwa, District Janjgir Champa, (Chhattisgarh)
3. Smt. Asha Patel, W/o Shri Bhushan Kumar Patel, Aged About 38 Years Assistant Teacher (Panchayat) Naveen Primary School, Bhathapara Reda, Block Dabhra, District Janjgir Champa, R/o Village & Post Kiriari, Tahsil Dabhra, District Janjgir Champa, (Chhattisgarh)
4. Gopal Prasad Patel, S/o Late Satyanand Patel, Aged About 50 Years

Assistant Teacher (Panchayat) Govt. Primary School Mukta, Block Dabhra, District Janjgir Champa, R/o Bilaigarh, P.O. Girira, Tahsil Dabhra, District Janjgir Champa, (Chhattisgarh)

5. Tukaram Patel, S/o Shri Hirde Ram, Aged About 40 Years Assistant Teacher (Panchayat), Primary School, Dumarpali, Dabhra, District Janjgir Champa, R/o Village & Post Dhukot, District Janjgir Champa, (Chhattisgarh)
6. Smt. Gayatri Maitri, W/o Shri Gulab Singh Maitri, Aged About 44 Years Assistant Teacher (Panchayat), Primary School Churaghatha, Block Dabhra, District Janjgir Champa, (Chhattisgarh)
7. Smt. Narmada Sahu, W/o Shri Manohar Sahu, Aged About 42 Years Assistant Teacher (Panchayat), Govt. Primary School, Chhuijha, Block Dabhra, District Janjgir Champa, R/o Churaghatha, Tahsil Dabhra, District Janjgir Champa, (Chhattisgarh)
8. Smt. Urmila Parmar, W/o Shri Sitaram, Aged About 40 Years Assistant Teacher (Panchayat) Govt. Primary School, Bagrail, Block Dabhra, District Janjgir Champa, (Chhattisgarh)
9. Smt. Kusum Jaiswal, Wd/o Late Vasudev Singh Jaiswal, Aged About 45 Years Assistant Teacher (Panchayat), Janpad Primary School, Bhedikona, Block Dabhra, District Janjgir Champa, R/o Nawapara, Post Dabhra, District Janjgir Champa, (Chhattisgarh)
10. Meghnath Bareth, S/o Shri Ghunudau Bareth, Aged About 45 Years Assistant Teacher (Panchayat), Naveen Primary School, Kahiyapara, Karoud, Block Dabhra, District Janjgir Champa, R/o Katekoni Chhote, District Janjgir Champa, (Chhattisgarh)
11. Ku. Deepbai Tandan, D/o Shri Mahadeva Tandan, Aged About 44 Years Assistant Teacher (Panchayat), Govt. Primary School, Sakralipara, Block Dabhra, District Janjgir Champa, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Chief Executive Officer, Jila Panchayat, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Dabhra, District Janjgir

Champa, (Chhattisgarh)

4. Block Education Officer, Dabhra, District Janjgir Champa, (Chhattisgarh)
5. Joint Director, Treasury, Account & Pension, Bilaspur Division, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondent

For Respective Petitioners : Shri HB Agrawal, Sr. Adv. With Shri KS Pawar and Shri Govind Ram Miri with Shri Basant Kaiwartya, Advocates.

For Respondent/State : Shri Satish Gupta, Govt. Advocate.

For Respondents 3 & 4 : Shri Sushil Dubey and Shri Sushobhit Singh, Advocates.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/04/2017

1. The petitioners are aggrieved by the order passed by the CEO of the concerned Janpad Panchayat holding that the petitioners are not entitled for any Kramonnati Vetanman admissible to the Teacher (Panchayat) after 30.4.2013, therefore, if any such teacher has been allowed Kramonnati Vetanman after 30.4.2013, the said amount deserves to be recovered.
2. The issue concerning entitlement to Kramonnati Vetanman was considered and decided by this Court in the matter of **Marisha Shrivastava Vs. State of Chhattisgarh & Another** (WPS No.106/2014) and other connected matters with the following operative part:-

- Teacher (Panchayat) cadre initially appointed as Assistant Teacher (Panchayat), but later on joined as Teacher (Panchayat) as a fresh recruit are not entitled for counting their length of service on the lower post for the purpose of revision of pay scale pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014.
- Teacher (Panchayat) cadre are only entitled for pay scale similar to the Government Teachers.
- Teacher (Panchayat) cadre are entitled to Dearness Allowance only, they are not entitled for any other allowances like House Rent Allowance, Medical Stagnation, etc.
- The revision of pay scales of Teacher (Panchayat) cadre pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014 will be on the basis of the pay scale of the post held by them. Such revision is not to be made on the basis of Kramonnati Vetanman or Samayman Vetanman.
- Recovery of excess amount paid to the Teacher (Panchayat) on account of wrong fixation of pay scale or wrong payment of allowances does not suffer from any infirmity. Challenge to the recovery of amount paid in excess is rejected.
- The respondent/Panchayat, Rural Development and Labour, Government of Chhattigarh shall direct all the Zila Panchayats/Janpad Panchayats and Drawing & Disbursing Officers working therein to apply the Government instructions uniformly, as different application by giving different interpretation to the Government orders have generated confusion and discrepancy giving rise to unnecessary litigations and loss to the exchequer.
- The State Government shall circulate copy of this order to all the Zila Panchayats & Janpad Panchayats for implementation.
- Henceforth, if any monetary benefit will be paid to any Teacher (Panchayat) cadre, for which he is not entitled, the same shall be recoverable from the concerned Chief Executive Officer of the Zila

Panchayat/Janpad Panchayat who has wrongly granted the benefit.”

3. The said order was challenged before the Division Bench in Writ Appeal Nos.227 and 231/2015, which was decided by the Division Bench in the following manner:-

“3. The Writ Appeals arise from separate orders, dated 17.10.2014 and 26.9.2014, disposing a batch of analogous cases including Writ Petition (S) No.2914 of 2014 and Writ Petition (S) No.4382 of 2014 filed by the Appellants. Since we have already heard and disposed Writ Appeal No.389 of 2014 and analogous appeals involving similar questions as raised in the present Writ Appeals on 23.3.2015, it is considered appropriate to condone the delay. Delay is therefore condoned.

4. While passing the order dated 23.3.2015, the subsequent order passed by the Respondents on 14.11.2014 recalling the order dated 2.11.2011 with effect from 1.5.2013 had not been brought to our attention.

5. The present Writ Appeals are therefore disposed in similar terms as Writ Appeal No.389 of 2014 and analogous appeals dated 23.3.2015, with the only clarification that in view of the order dated 14.11.2014 the claim of the Appellants is required to be considered only for the period 2.11.2011 till 1.5.2013.

6. The Writ Appeals are disposed in similar terms as Writ Appeal No.389 of 2014 and analogous appeals with the aforesaid clarification.”

4. In the present petitions, the petitioners are claiming that they are entitled to Kramonnati Vetanman even after 30.4.2013.
5. The submission made by learned counsel for the petitioners is contrary to the order passed by the Division Bench in Writ Appeal Nos.227 & 231 of 2015. In a way the CEO of the concerned Janpad Panchayats is

giving effect to the order passed by this Court in WPS No.106/2014, referred to above, which has merged in the order passed in Writ Appeal Nos.227 & 231 of 2015. In the teeth of judicial verdict, neither the petitioners can raise contrary argument that the CEO could have allowed such Kramonnati Vetanman to any of the Assistant Teacher or Teacher after 30.4.2013.

6. There is no substance in the Writ Petitions, which fail and are hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve