

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 133 of 2017**

1. The State of Chhattisgarh Through The Principal Secretary to the Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur District Raipur (Chhattisgarh).
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal Government Degree College, Dharamjaigarh, District Raigarh, Chhattisgarh

---- Appellants**Versus**

Ramesh Kumar Sahu S/o B. C. Sahu, Aged About 52 Years Presently Posted And Working As Assistant Professor (English), Government Degree College, Dharamjaigarh, District Raigarh (Chhattisgarh).

---- Respondent**Writ Appeal No. 514 of 2016**

1. State of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Indira Gandhi Govt. College, Vaishali Nagar, Bhilai, District Durg, Chhattisgarh

---- Appellants**Versus**

Dr. (Smt.) Gouri Verma W/o Shri M.K.Verma Aged About 53 Years Occupation Service, Assistant Professor In Geography, Indira Gandhi Govt. College, Vaishali Nagar, Bhilai, District Durg, Chhattisgarh, Civil & Revenue District Durg, Chhattisgarh

---- Respondent**Writ Appeal No. 518 of 2016**

1. State of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirct Raipur Chhattisgarh
2. The Commissioner Department Of Higher Education Government Of Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. The Principal Govt. E.V. Post Graduate College, Korba Chhattisgarh

---- Appellants**Versus**

Dr. Basant Kumar (B.K.) Patel S/o Shri Arjun Singh Patel, Aged About 56 Years Occupation Service, Assistant Professor In Commerce, Govt. E.V. Post Graduate College, Korba Chhattisgarh Civil & Revenue Distirct Korba Chhattisgarh

---- Respondent

Writ Appeal No. 516 of 2016

1. State Of Chhattisgarh Through The Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur, District, Chhattisgarh State
2. Commissioner, Directorate Of Higher Education, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarhr.
3. Principal, Govt. Pataleshwar College, Masturi, Tahsil And Post Office Masturi, Bilaspur District, Chhattisgarh State

---- Appellants**Versus**

Dr. Kushuram Matawale S/o Late G.R. Matawale Aged About 50 Years R/o NVC-17, Narmada Vihar, Yadunandan Nagar, Tifra, Bilaspur 495001

---- Respondent**Writ Appeal No. 507 of 2016**

1. State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirct Raipur Chhattisgarh
2. The Commissioner Department Of Higher Education, Government Of Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal, Govt. Jawahar Lal Nehru Post Graduation College, Dongargarh, District Rajnandgaon (Chhattisgarh)

---- Appellants**Versus**

Dr. (Smt.) Asha Choudhary D/o Late Shri Dashrath Prasad Choudhary, Aged About 50 Years Occupation Service, Assistant Professor In History, Govt. Jawahar Lal Nehru Post Graduation College, Dongargarh, Distirct Rajnandgaon Chhattisgarh Civil & Revenue Distirct Rajnandgaon Chhattisgarh

---- Respondent**Writ Appeal No. 513 of 2016**

1. State of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirct Raipur Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal Bhanupratapdev Govt. Post Graduation College, Kanker (Chhattisgarh)

---- Appellants**Versus**

Dr. Dadulal (DL) Patel S/o Shri Ramprasad Patel, Aged About 55 Years Occupation Service Assistant Professor In Geography, Bhanupratapdev Govt. Post Graduation College Kanker Chhattisgarh Civil & Revenue Distirct Kanker Chhattisgarh

---- Respondent**Writ Appeal No. 519 of 2016**

1. State of Chhattisgarh Through the Principal Secretary to the Department of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirct Raipur Chhattisgarh.

2. The Commissioner Department Of Higher Education, Government Of Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal Government NCJ College, Dalli Rajhara, Dist. Balod (Chhattisgarh)

----Appellants

Versus

Dr. (Smt.) Alka R. Deo D/o Late Shri Y.S. Lall, Aged About 52 Years Occupation Service, Assistant Professor In Political Science, Government NCJ College, Dalli Rajhara, District Balod Chhattisgarh Civil & Revenue District Balod Chhattisgarh

---- Respondent

Writ Appeal No. 520 of 2016

1. State of Chhattisgarh Through The Secretary Higher Educaiton Department Secretariat Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, Raipur District Chhattisgarh Sate.
3. Principal, Govt. Indru Kewat Girls College, Kanker, (PO & Tah) District Kanker, Chhattisgarh State.

---- Appellants

Versus

Jitendra Kumar Barle S/o Ramadhar Barle, Aged About 49 Years R/o Amrit Niwas Ekta Nagar, Thelka Board, Kanker Kanker Distirct Chhattisgarh State Pin 494334

---- Respondent

Writ Appeal No. 506 of 2016

1. State of Chhattisgarh Through The Principal Secretary To The Department of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirct Raipur Chhattisgarh
2. The Commissioner Department Of Higher Education, Government Of Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal Govt. College, Vaishali, Nagar, Bhilai, Dist. Durg (Chhattisgarh)

---- Appellants

Versus

Dr. Neeta Kumbhare W/o Shri Baba Kumbhare, Aged About 46 Years Occupation Service Assistant Professor In Geography, Govt. College Vaishali Nagar, Bhilai, Distirct Durg, Chhattisgarh Civil & Revenue Distirct Durg Chhattisgarh

---- Respondent

Writ Appeal No. 510 of 2016

1. State of Chhattisgarh Through Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur District, Chhattisgarh State.
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, Raipur District. Chhattisgarh State.
3. Principal, Govt. Girls E.V. P G College, Korba, District Korba, Chhattisgarh State.

---- Appellants

Versus

Smt. Purnima Sahu W/o Er. Arvind Sahu, Aged About 51 Years R/o H. No. 253, I C C Transport Nagar, Korba, Distt. Korba, Chhattisgarh State, Pin No. 495677.

---- Respondent

Writ Appeal No. 509 of 2016

1. State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal, Govt. Naveen College, Jaijaipur, Distt. Janjgir Champa, (Chhattisgarh)

---- Appellants

Versus

Dr. Phool Das Mahant S/o Late Shri Ghurbindas Mahant, Aged About 53 Years Occupation Service, Assistant Professor In Hindi Govt. Naveen College, Jaijaipur, District Janjgir Champa (Chhattisgarh), Civil & Revenue District Janjgir Champa, (Chhattisgarh)

---- Respondent

Writ Appeal No. 512 of 2016

1. The State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal, Government Degree College, Vaishali Nagar, Bhilai, District Durg, (Chhattisgarh)

---- Appellants

Versus

Dr. Medani Singh (Ms) Patel S/o Shri Tularam Patel, Aged About 47 Years Occupation Service, Assistant Professor In Commerce, Government Degree College, Vaishali Nagar, Bhilai, District Durg (Chhattisgarh), Civil & Revenue District Durg, (Chhattisgarh)

---- Respondent

Writ Appeal No. 515 of 2016

1. State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal Government Vishwanath Yadav Tamaskar Degree Swasasi College, Durg (Chhattisgarh)

---- Appellants

Versus

Dr. Goverdhan Singh Thakur S/o Shri Johoran Singh Thakur, Aged About 51 Years Occupation Service, Assistant Professor In Vanaspati Shastra, Govt. Vishwanath Yadav Tamaskar Degree Swasasi College, Durg (Chhattisgarh) Civil

& Revenue District Durg, (Chhattisgarh)

---- Respondent

Writ Appeal No. 521 of 2016

1. The State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya Naya Raipur Post Office & Police Station Naya Raipur Distirt Raipur Chhattisgarh
2. The Commissioner Department Of Higher Education Government Of Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. The Principal Mahatma Gandhi Govt. Arts & Science College Kharsiya, Raigarh Chhattisgarh

---- Appellants

Versus

Dr. Puran Lal Patel S/o Shri Sadhram Patel, Aged About 49 Years Occupation Service Assistant Professor In Political Science, Mahatma Gandhi Govt. Arts & Science College Kharsiya, Raigarh, Chhattisgarh Civil & Revenue Distirt Raigarh Chhattisgarh

---- Respondent

Writ Appeal No. 517 of 2016

1. The State of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Principal, Govt. J. Yoganandan Chhattisgarh College, Raipur, (Chhattisgarh)

---- Appellants

Versus

Dr. Vasudev Sahasi S/o Shri T. S. Sahasi, Aged About 50 Years Occupation Service, Assistant Professor In History, Govt. J. Yoganandan Chhattisgarh College, Raipur, (Chhattisgarh) Civil & Revenue District Raipur, (Chhattisgarh)

---- Respondent

Writ Appeal No. 511 of 2016

1. State of Chhattisgarh Through Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur, Distt. Raipur, Chhattisgarh State.
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, Raipur District. Chhattisgarh State.
3. Principal, Govt. Girls P G College, Bilaspur, Bilaspur District, Chhattisgarh State.

---- Appellants

Versus

Dr. Usha Singh W/o Shri S. P. Singh, Aged About 49 Years R/o Shubham Vihar, Mungeli Road, Bilaspur District, Chhattisgarh State.

---- Respondent

Writ Appeal No. 508 of 2016

1. The State Of Chhattisgarh Through The Principal Secretary To The Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)

2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. The Principal, Bhanupratapdev Govt. Post Graduation College, Kanker, (Chhattisgarh)

---- Appellants

Versus

Dr. Leela Ram (L.R.) Sinha S/o Shri Gosai Ram Sinha, Aged About 51 Years
Occupation Service, Assistant Professor In Economics, Bhanupratapdev Govt.
Post Graduation College, Kanker, (Chhattisgarh)

---- Respondent

For Appellant/State	: Shri Y.S.Thakur, Additional Advocate General.
For Respondent	: Shri Rajeev Shrivastava, Shri K.R.Nair and Shri Dhani Ram Patel, Advocates.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P Sam Koshy, J.

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

18/04/2017

1. We have heard the learned Additional Advocate General and the learned counsel for the contesting respondents who are the writ petitioners, quite in extensio on the different aspects of these writ appeals.

2. Fundamentally, the issues revolve on the question whether the writ petitioners are entitled to count their service rendered following their initial appointments as emergency appointees, stated to have been made in conformity with the governing rules. Keeping aside the question as to whether they were appointed in terms of any particular rule or not, the fact of the matter remains that the undisputed situation is that each one of the writ petitioners had contributed labour to the government service and they cannot be treated as back-door recruits. That being so, they are entitled to be paid at par with all persons who contribute labour of the same

quality and content. When their total length of service following such emergency appointments accrue in their favour with a benefit of escalation in pay scales, that has also to be given since that could also be treated as part of the legitimate expectations of a person who enters government service.

3. The aforesaid position notwithstanding, we notice immediately that the same issue had arisen in relation to the persons who are now working in the State of Madhya Pradesh. As a matter of fact, the writ petitioners and those who are now in the State of Madhya Pradesh were recruited in the same time when the Chhattisgarh State was not carved out. After the formation of the State of Chhattisgarh in the 2000, those government servants who were available in the Chhattisgarh area came under the Chhattisgarh Government and those under the Madhya Pradesh area, continued with the Madhya Pradesh Government. Issues between those employees who are similarly situated to the writ petitioners, but are now part of the Madhya Pradesh service went to the High Court in the form of a writ petition as Writ Petition No. 807 of 2007 (*Dr. Sandhya Prasad v. State of Madhya Pradesh*) decided on 13.07.2007. That was decided against the State of Madhya Pradesh. The State Government carried in writ appeal but found it waterloo. State of Madhya Pradesh went to the Supreme Court challenging that verdict. Their Lordships dismissed the appeal by the State of Madhya Pradesh through the judgment in *State of Madhya Pradesh v. Satyavrata Taran*, reported as (2012) 2 SCC 83. The facts of the case in hand are wholly similar to the facts situation dealt with by the Hon'ble Supreme Court in *Satyavrata Taran's* case. The issues raised in these writ appeals are therefore covered squarely against the interest of the appealing State of Chhattisgarh by the *ratio decidendi* of the judgment in *Satyavrata Taran* (supra).

4. For the reasons stated above, we do not find that there is any merit in these writ appeals. The impugned judgment therefore stand.
5. In the result, the writ appeals are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE