NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 932 of 2017

- Shiv Prasad Kushwaha S/o Shri Daduram, Aged About 44 Years Posted As Lecturer (Panchayat) At Govt. Higher Secondary School, Bhuwaneshwarpur, District Surajpur, R/o Village Patrapali, Tahsil Ramanujnagar, District Surajpur, (Chhattsigarh)

---- Petitioner

Versus

- State of Chhattisgarh Through: The Secretary, Department of Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattsigarh)
- The Collector, District Surajpur (Chhattsigarh)
- The Chief Executive Officer, Jila Panchayat, District Surajpur, (Chhattsigarh)
- The Cheif Executive Officer, Janpad Panchayat, Ramanuj Nagar, District Surajpur, (Chhattsigarh)

---- Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate
For Respondents/State	:	Shri B. Gopa Kumar, Dy. Advocate General

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.02.2017

1. The present petition has been filed by the petitioner seeking a direction to the respondents to grant seniority to the petitioner from the date of initial appointment as Panchayat Karmi, considering the service that he has rendered as Panchayat Karmi initially.

2. Learned counsel for the petitioner submits that in due course of time, with due sanction and permission from the department he had applied for the post of Lecturer (Panchayat) i.e. Siksha Karmi Grade–I. As per the policy of the State Government dated 23.04.2016 the past service has to be taken into consideration for the purpose of counting of seniority and grant of pay-scale.

3. At this juncture, learned State counsel fairly submits that said policy of the State Government is being implemented in certain districts and only on seeking instructions can he submit as to why that the same is not being implemented in district Surajpur where the petitioner is discharging his duties.

4. At this stage, the petition need not be kept pending only on this ground. Since the State counsel himself has admitted that the said policy has been implemented in other districts, this fact itself is a good reason to implement the same in the District Surajpur also.

5. Accordingly, the instant petition is disposed of with a direction to Respondent No.1, The Secretary, Department of Panchayat & Rural Development to take a decision in respect of the claim of the petitioner in the light of Circular dated 23.04.2016 passed by the State Government and to pass an appropriate order. In case the petitioner falls within the guidelines of the Circular, the benefit of the same be released forthwith and if the petitioner is not entitled for the benefit as per guidelines of the circular, he may be intimated in respect of the same as to why he is not entitled for the same. It is expected that the decision in respect of the claim of the petitioner shall be taken within a period of 90 days form the date of receipt of a copy of this order. It shall be the responsibility of the petitioner to make fresh representation along with copy of this order to the Secretary - Respondent No.1 and the period of consideration would start from the date of receipt of representation.

Sd/-
(**P. Sam Koshy**)
JUDGE

Chandra