

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1008 of 2018

Derha Ram Joshi S/o Shri Lakhan Lal Joshi, Aged About 39 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Kandel, Block Dhamtari, R/o Nawagaon, Kandel, Tahsil And District Dhamtari, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Collector, Dhamtari, District Dhamtari.
3. The Chief Executive Officer, Zila Panchayat Dhamtari, District Dhamtari Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat Dhamtari, District Dhamtari, Chhattisgarh.

---Respondents

WPS No. 1383 of 2018

1. Purnanand Yadav S/o Shri Gokulram Yadav, Aged About 27 Years, R/o School Chowk, Hasda No. 1, Tahsil And Police Station Magarlod, District Dhamtari, Chhattisgarh.
2. Rajesh Kumar Sahu S/o Shri Tulas Ram Sahu, Aged About 39 Years, R/o Village Khisora, Hasda No. 1, Tahsil And Police Station Magarlod, District Dhamtari Chhattisgarh.
3. Omprakash Sahu S/o Shri Tulas Ram Sahu, Aged About 39 Years, R/o Village Khisora, Hasda No. 1, Tahsil And Police Station Magarlod, District Dhamtari Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Collector, Dhamtari, District Dhamtari.

---Respondents

WPS No. 1361 of 2018

1. Dev Kumar Verma S/o Shri Govind Ram Verma, Aged About 34 Years, Assistant Teacher (Panchayat), Govt. Primary School Aamapara Kurrubhata, District Kanker, Chhattisgarh.
2. Smt. Sarita Yadav W/o Shri Vijay Yadav, Aged About 36 Years, Assistant Teacher (Panchayat), Govt. Primary School Tikrapara, Charama, District Kanker, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Kanker, District Kanker (C.G.).

---Respondents

WPS No. 1216 of 2018

Smt. Chandrika Chouhan W/o Shri Kamlesh Chouhan, Aged About 30 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Banhar, District Raigarh, R/o Village Kosampali, Ps And Tahsil Raigarh, District Raigarh (Chhattisgarh).

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh (C.G.).
3. The Chief Executive Officer, Janpad Panchayat Raigarh, District Raigarh (C.G.).

---Respondents

WPS No. 1252 of 2018

1. Jay Singh Kunjam S/o Shri Amar Singh Kunjam, Aged About 34 Years, Assistant Teacher (Panchayat), Govt. Primary School Kapsi, District Kanker Chhattisgarh.
2. Mangalu Ram Kawade S/o Shri Sagnu Ram Kawade, Aged About 48 Years, Teacher (Panchayat), Govt. Middle School Bharripani, District Kanker Chhattisgarh.

3. Smt. Nirmala Sharma W/o Shri S.K.Sharma, Aged About 53 Years, Assistant Teacher (Panchayat), Govt. Primary School Basahatpara (Patoud), Kanker, District Kanker, Chhattisgarh.
4. Vijay Kumar Nag S/o Shri D.Nag, Aged About 38 Years, Assistant Teacher (Panchayat), Govt. Primary School Aaturgaon, Kanker, District Kanker Chhattisgarh.
5. N.D. Mahant S/o Shri R. Mahant, Aged About 44 Years, Assistant Teacher (Panchayat), Govt. Primary School Sedesar, Kanker, District Kanker Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat, Kanker, District Kanker Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Kanker, District Kanker Chhattisgarh.
4. Block Education Officer, Kanker, District Kanker Chhattisgarh.
5. Treasury Officer, Treasury, Account And Pension, Kanker, District Kanker Chhattisgarh.

---Respondents

WPS No. 1112 of 2018

1. Arvind Mishra S/o Late Vijay Kumar Mishra, Aged About 39 Years, Assistant Teacher (Panchayat), Government Primary School Bhanpuri, District Dhamtari (Chhattisgarh).
2. Govind Gayakwad S/o Shri Sant Lal Gayakwad, Aged About 41 Years, Assistant Teacher (Panchayat), Government Primary School Kokadi, District Dhamtari (Chhattisgarh).

---Petitioners

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Dhamtari, District Dhamtari Chhattisgarh.

---Respondents

WPS No. 2147 of 2018

Rashmi Nirwan W/o Ravi Nirwan, Aged About 41 Years, R/o Village And Post Magarlod, Tehsil Magarlod, District Dhamtari Chhattisgarh, At Present Assistant Teacher (Panchayat), Government Primary School, Korgaon, Block Magarlod, District Dhamtari Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Director, Panchayat, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat, Magarlod, District Dhamtari Chhattisgarh.
4. Block Education Officer, Magarlod, Block Magarlod, District Dhamtari Chhattisgarh.
5. Head Master, Government Primary School, Korgaon, Block Magarlod, District Dhamtari Chhattisgarh.

---Respondents

WPS No. 2115 of 2018

Smt. Kavita Sahu W/o Manish Kumar Sahu, Aged About 37 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Deeprapara , Hasda No. 1, Block Magarlod, District Dhamtari , R/o Sanjay Nagar, Ward No. 14, Police Station Kurud, District Dhamtari Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. District Education Officer, District Dhamtari, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat, District Dhamtari Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat, District Dhamtari Chhattisgarh.
5. Collector, District Dhamtari, Chhattisgarh.

---Respondents

WPS No. 2265 of 2018

Geeta Meher W/o Shri Arun Mehar, Aged About 34 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Sahdevpali, District Raigarh, R/o T.V.Tower Road, Raigarh Tahsil Raigarh, District Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Pussor, District Raigarh, Chhattisgarh.

---Respondents

WPS No. 446 of 2018

Ku. Kavita Jayaswal D/o Govind Ram Jayaswal, Aged About 26 Years, Presently Posted As Assistant Teacher Panchayat, At Government Primary School Banipathar, District Raigarh, R/o Purani Basti Kharsia, District Raigarh Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh (C.G.).
3. The Chief Executive Officer, Janpad Panchayat Kharsia, District Raigarh (C.G.).

---Respondents

WPS No. 2731 of 2018

Smt. Rohita Nayak W/o Shri Rajesh Nayak, Aged About 45 Years, Occupation Asst. Teacher (Panchayat), R/o Housing Board Colony, Rampur, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.

2. The Chief Executive Officer, Jila Panchayat Raigarh, District Raigarh Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Kharsiya, District Raigarh Chhattisgarh.

---Respondents

WPS No. 852 of 2018

Geeta Sahu W/o Shri Kamdev Sahu, Aged About 43 Years, Occupation Assistant Teacher (Panchayat), R/o C/o Gudda Kirana Stores, Ward No. 13, Sanjay Nagar, Kurud, Tehsil Kurud, District Dhamtari, Chhattisgarh, At Present Assistant Teacher (Panchayat), Government Primary School, Charmudiya, Block Kurud, District Dhamtari, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Director Panchayat, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat, Kurud, District Dhamtari, Chhattisgarh.
4. Block Education Officer, Kurud, Block Kurud, District Dhamtari, Chhattisgarh.
5. Head Master, Government Primary School, Charmudiya, Block Kurud, District Dhamtari, Chhattisgarh.
6. Block Education Officer, Arang, Block Arang, District Raipur, Chhattisgarh.

---Respondents

WPS No. 2145 of 2018

Vidya Mahipal W/o Bhusan La Bandhe, Aged About 32 Years, R/o Village And Post Bhalukonha, Tehsil Kurud, District Dhamtari, Chhattisgarh, At Present Assistant Teacher (Panchayat), Government Primary School, Bhalukonha, Block Kurud, District Dhamtari, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.

2. Director, Panchayat, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Kurud, District Dhamtari, Chhattisgarh.
4. Block Education Officer, Kurud Block Kurud, District Dhamtari, Chhattisgarh.
5. Head Master. Government Primary School, Bhalukonha. Block Kurud, District Dhamtari, Chhattisgarh.
6. Block Education Officer, Arang, Block Arang, District Raigarh, Chhattisgarh.

---Respondents

WPS No. 6473 of 2018

Smt. Kiran Sinha W/o Shri Prabhulal Sinha, Aged About 41 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Loharsi, District Dhamtari, R/o Akta Nagar, Gaurav Path Dhamtari, Tahsil And District Dhamtari, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Dhamtari, District Dhamtari Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Dhamtari, District Dhamtari, Chhattisgarh.

---Respondents

For respective petitioners	:	Shri Mateen Siddiqui, Shri Rajnish Singh Baghel, Shri Vineet Pandey, Shri Prabhat Kumar Saxena, Shri Shashi Kumar Kushwaha and Shri Somkant Verma, Advocates.
For State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/10/2018

1. On the earlier date of hearing, this Court had already issued notices to the respondents and nobody represents them.
2. These are the bunch of Writ Petitions filed by the petitioners claiming for a relief of wages and other benefits for the period they were transferred from one Zila Panchayat to another Zila Panchayat.
3. The dispute raised by the petitioners is that, the said order of transfer was questioned by many of the petitioners before this Court and this Court vide its judgment dated 23/12/2016 holding the order of transfer from one Zila Panchayat to another Zila Panchayat to be per-se illegal and without authority of law had set-aside/quashed the same.
4. Pursuant to the Writ Petition being allowed, the respondent/State had cancelled the order of transfer transferring Teachers (Panchayat Cadre) from one Zila Panchayat to another Zila Panchayat.
5. Subsequent to their joining at the original place of posting, the petitioners had moved a Writ Petition claiming wages for the intervening period which was not granted by the respondent on account of non joining at the transferred place which has led to the filing of the present bunch of Writ Petitions.
6. The counsel appearing for the parties submits that, the issue raised in the present Writ Petitions has already been adjudicated by this Court in the case of **Ku. Girija Patel v. State of Chhattisgarh & Ors.** [WPS No. 2791 of 2017 d/on 03/07/2017].

7. Based on the judgment passed in the case of Girija Patel (Supra) this Court had decided a couple of Writ Petitions allowing the Writ Petitions holding that the petitioners would be entitled for the salary for the intervening period during which they did not discharge duties on account of the illegal order of transfer.

8. The said order was subjected to challenge in a couple of Writ Appeals i.e. WA No. 533/2017 and other analogous Writ Appeals which came up for hearing before the Division Bench of this Court on 04/10/2018 and this Court after considering the contentions of either side dismissed the Writ Appeals and affirmed the order passed by the Single Bench thereby further affirming the view of this Court taken in the case of Girija Patel (Supra).

9. Since the issue raised in the present bunch of Writ Petitions have already been considered by this Court as well as by the Division Bench and the matter stands fully covered by the said decision, this Court is of the view that nothing further remains to be adjudicated upon in the present bunch of Writ Petitions.

10. Accordingly, the present bunch of Writ Petitions also deserve to be and are accordingly allowed in terms of the order passed by this Court in the case of Girija Patel (Supra) with consequential relief.

11. All these Writ Petitions accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE