

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4357 of 2018**

1. Natthu Ram Kanwar S/o Piladau Kanwar Aged About 38 Years Working As Assistant Teacher (Panchayat) At Government Primary School, Chhattisgarh Block Kartala, District Korba CG
2. Babu Lal Basod S/o Phagu Ram Aged About 33 Years Working As Assistant Teacher (Panchayat) At Primary School, Riwabahar, Block Kartala, District Korba CG
3. Santosh Kumar Sonwani S/o Bhuru Ram Aged About 46 Years Working As Assistant Teacher (Panchayat) At Government Primary School Kanshipani, Block Kartala, District Korba CG

---- Petitioners

Versus

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

---- Respondents

For applicant	Mr. Govind Dewangan, Adv.
For Respondent/State	Mr. Rajkumar Gupta, Dy. Adv. General.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-7-2018**

1. Heard.
2. Counsel for the parties would not dispute that the legal issue involved in this petition is governed by common order dated 3.11.2017 passed by this Court in WPS No.4271 of 2017 and batch of petitions, applicable in case of those who were appointed under Panchayat Shiksha Karmi (Bharti Tatha Seva Ki Sarten) Niyam, 1997.
3. In the order dated 3.11.2017 referred to above, in respect of those Teachers who were appointed under 1997 Rules, following directions were issued:-

“Such petitioners who were appointed under the 1997 Niyam when there was no condition of having B.Ed./D.Ed. qualification are held entitled to the revised

pay scale/time pay scale as well as increment and the impugned action withdrawing the said benefits from such petitioners is quashed. They shall continue to get all the benefits, which they were enjoying just before issuance of the impugned communications.”

4. The petitioners are Assistant Teachers, Panchayat. They being appointees under the Rules of 1997 are also entitled to similar direction. Accordingly, it is directed that the petitioners are entitled to revised pay scale/time pay scale as well as increment and the impugned action withdrawing the said benefits from the petitioners on the ground of they being not possessed of B.Ed./D.Ed. qualification is quashed. The petitioners shall continue to get all the benefits which they were enjoying before the impugned action.
5. The petition is accordingly allowed.

Sd/-
(Sharad Kumar Gupta)
Judge