

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2090 OF 2014**

Nirendra Kumar Dhruv S/o Shri Chandan Singh Dhruv Aged About 41 Years Assistant Teacher Panchayat, At Present Posted At Govt. Primary School At Chakravary, Block Education Office, Simga, Janpad Panchayat Simga, Zila Panchayat Balodabazar-Bhatapara, Ps And Tah Balodabazar-Bhatapara, Civil and Revenue Distt Balodabazar- Bhatapara (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary/Under Secretary, Department Of Panchayat And Rural Development, New Mantralaya, Mahanadi Bhawan, New Raipur, Distt Raipur, Chhattisgarh.
2. The Chief Executive Officer Zila Panchayat, Raipur Distt Raipur, Chhattisgarh.
3. The Chief Executive Officer Janpad Panchayat, Simga, Distt. Balodabazar- Bhatapara, Chhattisgarh.
4. Block Education Officer Simga, Distt. Balodabazar - Bhatapara, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri J.A. Lohani, Advocate.
For Respondent-State	:	Shri D.K. Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

05.10.2018

1. The petitioner has filed the present writ petition claiming for the following reliefs :

“10.1. That, this Hon'ble Court may kindly be pleased to issue a writ to the respondents to produce the entire record pertaining to the impugned order dated 22.01.2014.

10.2. That, this Hon'ble Court may kindly quash the impugned circular dated 22.01.2014 condition mentioned at Para-7 to 8 issued by the Secretary, Department of Panchayat & Rural Development, be quashed on the ground of non availability of any reason or material or any irregularity against the petitioner, directing not to reduce the benefit of revised pay scale & its arrears.

10.3. And further, allow the writ petition by passing other relief in favour of petitioner directing the respondent authority to pay the salary at pay scale of Rs.9300-34800-4200 in place of Rs.5200-20200+2400 in view of circular/order dated 17.05.2013 for the post

of Assistant Teacher (Panchayat), including all consequential benefits & its arrears”.

2. The counsel appearing for either side jointly and fairly made a statement before this court that the issue involved in the instant case has already been decided by the co-ordinate Bench of this court on 17.10.2014 in a batch of petitions, the leading case being WPS No.1328 of 2014, whereby the batch of petitions stood decided in the light of the decision rendered by this court in Marisha Shrivastava Vs. State of Chhattisgarh & Another (WPS No.106 of 2014, decided on 26.09.2014). In case of Marisha Shrivastava (Supra), this High Court while dismissing the writ petitions in paragraph 49 held as under:

“49. As a sequel, all the writ petitions, *sans substratum*, are liable to be and are hereby dismissed with the following conclusions :

Conclusions:-

- Teacher (Panchayat) cadre initially appointed as Assistant Teacher (Panchayat), but later on joined as Teacher (Panchayat) as a fresh recruitee 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 Chhattisgarh 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. In view of the fact that batch of writ petitions of identical nature has already been decided and disposed of by this High Court, this court is of the opinion that nothing further remains to be decided in the present case and therefore the present writ petition also stands dismissed in terms of observations made by this court while deciding the case of Marisha Shrivastava (Supra) and batch of writ petitions.

Sd/-
(P. Sam Koshy
Judge