

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5358 of 2018**

- Smt. Ankita Shrivastav W/o Shrikant Shrivastav, Aged About 27 Years, Presently Posted As Assistant Teacher (P) At Government Primary School Chhirha, Block Kawardha, District Kabirdham Chhattisgarh, R/o Ward No. 15, Kawardha, Tahsil Kawardha, District Kabirdham, 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 Kabirdham, District Kabirdham, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kawardha, District Kabirdham, Chhattisgarh

---- Respondents**WPS No. 5263 of 2018**

- Rahul Singh Thakur S/o Chandrika Singh Thakur, Aged About 27 Years Presently Posted As Assistant Teacher (P) At Government Primary School Sonbarsa, Block Kawardha, District Kabirdham Chhattisgarh. R/o Thakurpara Kawardha, Tahsil Kawardha, District Kabirdham 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 Kabirdham, District Kabirdham, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kawardha, District Kabirdham, Chhattisgarh

---- Respondents

WPS No. 5364 of 2018

- Bharti Chandrawanshi D/o Santosh Chandrawanshi, Aged About 26 Years Presently Posted As Assistant Teacher (P) At Government Primary School Chhirha, Block Kawardha District Kabirdham Chhattisgarh. R/o Professor Colony Kawardha Tahsil Kawardha District Kabirdham 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 Kabirdham, District Kabirdham, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kawardha, District Kabirdham, Chhattisgarh

---- Respondents**WPS No. 5606 of 2018**

- Yuvraj S/o Gaukaran Prasad, Aged About 35 Years, Presently Posted As Assistant Teacher (P) At Government Primary School Bohil, Block Pandriya District Kabirdham Chhattisgarh. R/o Village Ward No. 21, Bhilai, Tahsil And District Durg, 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 Kabirdham, District Kabirdham Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pandriya, District Kabirdham, Chhattisgarh

---- Respondents

WPS No. 5728 of 2018

- Neelam Kumar S/o Kaluram, Aged About 28 Years, Presently Posted As Assistant Teacher (P) At Government Primary School Rapa, Block Pandriya District- Kabirdham, Chhattisgarh, R/o Village- Dhourabhata, Tahsil And Disrtict- Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Distirct- Raipur, Chhattisgarh
2. Chief Executive Officer Zila Panchayat Kabirdham, Distract- Kabirdham, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pandriya, District- Kabirdham, Chhattisgarh

---- Respondents**WPS No. 5738 of 2018**

- Ghanshyam Kumar Kashyap S/o Chhotelal Kashyap, Aged About 36 Years Presently Posted As Assistant Teacher (P), At Government Primary School Polami, Block Pandriya, District Kabirdham, Chhattisgarh. R/o Village Salkhan, Tahsil Nawagarh, District Janjgir- Champa, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

WPS No. 6137 of 2018

1. Ram Narayan Patel S/o Chhadiram Patel, Aged About 38 Years Presently Posted As Assistant Teacher (P) At Government Primary School Uslikonta, Block Kondagaon District- Kondagaon, Chhattisgarh, R/o Mardapal Kondagaon, Tahsil And District Kondagaon, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents**WPS No. 6146 of 2018**

- Pramod Kumar Uikey S/o Devanand Uikey, Aged About 29 Years Presently Posted As Assistant Teacher (P) At Government Primary School Dongaripara (Puspal), Block Kondagaon District- Kondagaon, Chhattisgarh, R/o Mardapal Kondagaon, Tahsil And District- Kondagaon, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

WPS No. 6253 of 2018

- Dhanau Ram Bhuaary S/o Sukhi Ram Bhuaary, Aged About 34 Years Presently Posted As Assistant Teacher (P) At Government Primary School Gajri Jhorki, Block Kondagaon District Kondagaon Chhattisgarh. R/o Mardapal Kondagaon Tahsil And District Kondagaon 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 Kondagaon, District Kondagaon Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kondagaon District Kondagaon Chhattisgarh

---- Respondents**WPS No. 6297 of 2018**

- Kuwar Singh Tekam S/o Chaitram Tekam, Aged About 41 Years Presently Posted As Assistant Teacher (P) At Government Primary School Nawagaon, Block Kondagaon District Kondagaon, Chhattisgarh R/o Mardapal Kondagaon, Tahsil And District Kondagaon, 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 Kondagaon, District Kondagaon, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kondagaon, District Kondagaon, Chhattisgarh

---- Respondents

WPS No. 6314 of 2018

- Churamani Kulmitra S/o U. S. Kulmitra, Aged About 33 Years Presently Posted As Assistant Teacher (P) At Government Primary School Kokdakhar, Block Bodla District Kabirdham Chhattisgarh. R/o Village Khatoliya, Tahsil Takhatpur, District Bilaspur 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 Kabirdham, District Kabirdham Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Bodla, District Kabirdham Chhattisgarh

---- Respondents**WPS No. 6327 of 2018**

- Likhu Ram Patel S/o Panch Ram Patel, Aged About 28 Years Presently Posted As Assistant Teacher (P) At Government Primary School Khursipar, Block Bodla, District Kabirdham Chhattisgarh, R/o Village- Gangapur, Tahsil Sahaspur Lohara, District- Kabirdham, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

WPS No. 6354 of 2018

- Gajanand Kumar Dhruw S/o Dhruv Kumar Dhruw, Aged About 30 Years Presently Posted As Assisatnt Teacher (P) At Government Primary School Mulnar, Block Kondagaon District- Kondagaon, Chhattisgarh, R/o Mardapal Kondagaon, Tahsil And District- Kondagaon, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondent**WPS No. 6370 of 2018**

- Davendra Panagar S/o Kashiram Panagar, Aged About 27 Years Presently Posted As Assistant Teacher (P) At Government Primary School Anjana, Block Bodla, District Kabirdham Chhattisgarh R/o Mohgaon, Tahsil Pandriya District Kabirdham 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 Kabirdham, District Kabirdham Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Bodla, District Kabirdham Chhattisgarh

---- Respondent

WPS No. 6446 of 2018

- Kaushal Singh Kashyap S/o Thakur Prasad Kashyap, Aged About 29 Years Presently Posted As Assistant Teacher (P) At Government Primary School Nayapara (Singhari), Block Bodla District Kabirdham (Chhattisgarh) R/o Basni, Tahsil Dhamdha District Durg Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For petitioners	:	Shri Mateen Siddiqui, Advocate.
For State	:	Shri D. Wankhede, Govt. Advocate
For Respondent no.3	:	Shri Shri Mayank Kumar, Advocate

WPS No. 5454 of 2018

- Yashwant Kumar Kaushik S/o Narad Ram Kaushik, Aged About 32 Years Presently Posted As Assistant Teacher (P) At Government Primary School Khairjithi Block Saharpur Lohara, District Kabirdham, Chhattisgarh. R/o Village Semriya, Tahsil Saharpur Lohara District Kabirdham, 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 Kabirdham, District Kabirdham, Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Respondents

WPS No. 5531 of 2018

Amit Kumar Sharma S/o Arjun Sharma, Aged About 36 Years Presently Posted As Assistant Teacher (P) At Government Primary School Nawagan, Block Saharpur Lohara District- Kabirdham, Chhattisgarh, R/o Kachaharipara Kawardha, Tahsil Kawardha, District- Kabirdham, 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 Kabirdham, District Kabirdham, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Respondents

WPS No. 5609 of 2018

- Nadeem Khan S/o Marhum Shahid Khan, Aged About 34 Years Presently Posted As Assistant Teacher (P) At Government Primary School Motimpur, Block Saharpur Lohara District Kabirdham, Chhattisgarh, R/o Ward No. 8 Gandai, Tahsil Gandai District Kabirdham, 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 Kabirdham, District Kabirdham, Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Respondents

For petitioners	:	Shri Mateen Siddiqui, Advocate.
For State	:	Shri D. Wankhede, Govt. Advocate
For Respondent no.3	:	Shri B. S. Rajput, Advocate

WPS No. 6127 of 2018

- Awadh Kishor Mishra S/o Santosh Prasad Mishra, Aged About 32 Years Presently Posted As Teacher (P) At Government Middle School Pitaripara (Sambalpur), Block Kondagaon District- Kondagaon, Chhattisgarh, R/o Forest Colony Kondagaon, Tahsil And District- Kondagaon, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

WPS No. 6128 of 2018

- Smt. Surekha Gautam Likhare W/o Satish Kumar Likhare, Aged About 34 Years Presently Posted As Teacher (P) At Government Middle School Kusma, Block Kondagaon, District Kondagaon Chhattisgarh R/o Albeda Kondagaon, Tahsil And District Kondagaon Chhattisgarh

---- Petitioner

Versus

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

2. Chief Executive Officer, Zila Panchayat Kondagaon, District
Kondagaon Chhattisgarh

---- Respondents

For petitioners	:	Shri Mateen Siddiqui, Advocate.
For State	:	Shri D. Wankhede, Govt. Advocate

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

12/12/2018

Since the relief sought for in all the writ petitions is similar, the batch of writ petitions are being disposed of by this common order.

2. The challenge in these writ petitions is to the order dated 30.06.2018.

3. The facts of the case are that the petitioners substantively are the employees of Panchayat Department governed by the rules framed under the Panchayat Raj Adhinium. All the petitioners were initially appointed in the year 2011 on the post of Assistant Teacher (Panchayat). By now they have all completed more than 7 years of service.

4. According to the petitioner, they have become eligible for promotion to the post of Teacher (Panchayat). At this juncture, the respondents have issued the impugned order dated 30.06.2018 whereby it has been held that since the services of the petitioners and the similarly placed persons are likely to be merged/absorbed with the Education Department on completion of 8 years of service, the Panchayat Department has ordered not to initiate any promotion process so far as the Assistant Teachers working in the Panchayat Department are concerned. That they would be

considered for promotion after their services get merged/absorbed in the Education Department.

5. Counsel for the petitioners submits that vide impugned order dated 30.06.2018 a situation has arisen where the petitioners neither would be considered for promotion nor would they be considered for grant of Kramonnati which the petitioners were otherwise entitled for, if they are not promoted on their having the minimum requisite length of service. It is the further contention of the petitioners that for Assistant Teachers and Teachers in Panchayat Department, the benefit of Kramonnati is provided on their completion of 7 years of service subject to the petitioners meeting the requirement for promotion to the next higher post. In the instant case, since the promotions have been withheld, the petitioners may at least be granted the benefit of Kramonnati or else they would be put to substantial loss and they would also be losing substantially at the time of absorption of their service with the Education Department.

6. Respondent no.3 has filed a reply wherein the stand of the Department is that as of now they have kept the promotions in abeyance in the light of the policy decision of the State govt. for absorbing the teachers of the Panchayat Department with the Education Department on their completion of 8 years of service.

7. State counsel submits that the impugned order has been taken to avoid further complications at the time of absorption of the services of the petitioners with the Education Department. He submits that as per the circular dated 02.11.2011, the minimum length of service period for grant of promotion was 10 years which vide circular dated 17.05.2013 has been modified to 8 years.

8. Be that as it may, once when it is found that the petitioners fulfill all requisite eligibility criteria for promotion and there are also vacancies available in the Department, there is no reason why the petitioners should not be considered for promotion. If as a policy decision the State Govt. has taken a stand for differing the promotion process in the light of the absorption of the services of the petitioners to the Education Department, this Court is of the firm view that for the intervening period, the petitioners should not be deprived of at least their claim for Kramonnati for which provided they are entitled for in accordance with the rules, regulations and procedures as contended by the petitioners.

9. In view of the same and in the light of the submissions made by the counsel for the State in their reply, the writ petitions are disposed of with a direction to the respondents to consider the claim of the petitioners for grant of Kramonnati if they are otherwise entitled for the same, as they have taken as a policy decision not to grant promotion to the petitioners as of now. The respondents would consider the case of each of the petitioners subject to their fulfilling the eligibility criteria required for grant of Kramonnati. Let this exercise be completed within a period of 4 months from the date of receipt of copy of this order.

Sd/-

(P. Sam Koshy)
JUDGE