

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 230 of 2017

1. Indrakumar Patel S/o Late Shri Trilochan Patel, Assistant Teacher Panchayat, Govt. Higher Secondary School, Reda S, Block Dabhra, District Janjgir Champa, R/o Village And Post Salhe, Via Chandrapur, District Janjgir Champa Chhattisgarh.
2. Sunder Lal Patel S/o Shri Rambharosh Patel, Aged About 46 Years Assistant Teacher Panchayat, Govt. Hr. Sec. School, Pandruwa, Block Dabhra, District Janjgir Champa, R/o Village Badadarha, Post Kanwli, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
3. Smt. Rajkumari Chouhan W/o Shri Vijay Kumar Chouhan Aged About 32 Years Assistant Teacher Panchayat, Govt. Primary School, Tulsidih, Block Dabhra, District Janjgir Champa, R/o Village And Post Kirari, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
4. Suraj Kumar Mahant S/o Shri Nagadas Mahant Aged About 48 Years Assistant Teacher Panchayat, Primary School, Katekoni Kala, Block Dabhra, District Janjgir Champa, R/o Village Turkapali, Post Chhotekate, Koni, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
5. Smt. Urmila Sidar W/o Chandan Singh Sidar, Aged About 37 Years Assistant Teacher Panchayat, Primary School, Sursi, Block Dabhara, District Janjgir Champa, R/o Village And Post Sursi Salhe, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
6. Deendayal Karsha S/o Shri Kartik Ram Karsha Aged About 4 Years Assistant Teacher Science Panchayat, Govt. H. S. S. School, Kotmi, Block Dabhra, District Janjgir Champa, R/o Village And Post Kotmi, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
7. Smt. Chhatarkunwar Patel W/o Shri Dayanidhi Patel Aged About 45 Years Assistant Teacher, Govt. Primary School, Deverghata, Block Dabhra, District Janjgir Champa, R/o Devarghata, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Chief Executive Officer, Jila Panchayat, Janjgir Champa, District Janjgir Champa Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Dabhra, District Janjgir Champa Chhattisgarh.
4. Block Education Officer, Dabhra, District Janjgir Champa Chhattisgarh.
5. Joint Director, Treasury, Account And Pension, Bilaspur Division, Bilaspur, District Bilaspur Chhattisgarh.

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WA No. 233 of 2017

1. Santan Kumar Bhaiya S/o Anjor Ram Bhaiya, Aged About 44 Years Assistant Teacher Panchayat, Govt. Primary School Uchhpinda, Block Dabhra, District Janjgir Champa, Chhattisgarh
2. Rajendra Kumar Patel, S/o Shri Bharat Lal Patel, Aged About 43 Years Assistant Teacher Panchayat Primary School, Radhapur, Block Dabhra, District Janjgir Champa, R/o Pendaruwa, Post Pendaruwa, District Janjgir Champa, Chhattisgarh
3. Smt. Asha Patel, W/o Shri Bhushan Kumar Patel, Aged About 38 Years Assistant Teacher Panchayat Naveen Primary School, Bhathapara Reda, Block Dabhra, District Janjgir Champa, R/o Village And Post Kiriari, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh
4. Gopal Prasad Patel, S/o Late Satyanand Patel, Aged About 50 Years Assistant Teacher Panchayat Govt. Primary School Mukta, Block Dabhra, District Janjgir Champa, R/o Bilaigarh, P.O. Girira, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh
5. Tukaram Patel, S/o Shri Hirde Ram, Aged About 40 Years Assistant Teacher Panchayat, Primary School, Dumarpali, Dabhra, District Janjgir Champa, R/o Village And Post Dhukot, District Janjgir Champa, Chhattisgarh
6. Smt. Gayatri Maitri, W/o Shri Gulab Singh Maitri, Aged About 44 Years Assistant Teacher Panchayat, Primary School Churaghatha, Block Dabhra, District Janjgir Champa, Chhattisgarh
7. Smt. Narmada Sahu, W/o Shri Manohar Sahu, Aged About 42 Years Assistant Teacher Panchayat, Govt. Primary School, Chhuijha, Block Dabhra, District Janjgir Champa, R/o Churaghatha, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh
8. Smt. Urmila Parmar, W/o Shri Sitaram, Aged About 40 Years Assistant Teacher Panchayat Govt. Primary School, Bagrail, Block Dabhra, District Janjgir Champa, Chhattisgarh
9. Smt. Kusum Jaiswal, Wd/o Late Vasudev Singh Jaiswal, Aged About 45 Years Assistant Teacher Panchayat, Janpad Primary School, Bhedikona, Block Dabhra, District Janjgir Champa, R/o Nawapara, Post Dabhra, District Janjgir Champa, Chhattisgarh
10. Meghnath Bareth, S/o Shri Ghunudau Bareth, Aged About 45 Years Assistant Teacher Panchayat, Naveen Primary School, Kahiypara, Karoud, Block Dabhra, District Janjgir Champa, R/o Katekoni Chhote, District Janjgir Champa, Chhattisgarh
11. Ku. Deepbai Tandan, D/o Shri Mahadeva Tandan, Aged About 44 Years Assistant Teacher Panchayat, Govt. Primary School, Sakralipara, Block Dabhra, District Janjgir Champa, Chhattisgarh

---- Appellants**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Jila Panchayat, Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Dabhra, District Janjgir Champa, Chhattisgarh
4. Block Education Officer, Dabhra, District Janjgir Champa, Chhattisgarh
5. Joint Director, Treasury, Account And Pension, Bilaspur Division, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Appellants	: Shri H.B. Agrawal, Senior Advocate assisted by Shri Shashi Kumar Kushwaha, Advocate
For Respondent/State:	Shri U.N.S. Deo, Government Advocate
For Respondent/CEO :	Shri Abhishek K. Singh, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

29.11.2018

1. Heard Senior Counsel for the Appellants, learned Government Advocate and Counsel for the Respondent – CEO.
2. Appellants' writ applications were dismissed by the learned Single Judge vide order dated 20.04.2017 refusing to quash or set aside the decision of the Chief Executive Officer of the concerned Janpad Panchayat which held that the Appellants, who are Panchayat Teachers, are not entitled to Kramonnati Vetanman (Anti Stagnation Pay-scale) after 30.04.2013.

3. On some kind of misplaced understanding that since Panchayat Teachers have been extended similar kind of pay-scale as a Government teacher, therefore, they too are entitled for all the other benefits including time bound pay revision etc. Even that benefit came to be extended.
4. When such omission came to the notice of the authorities of the Education Department especially the Department of Panchayat and Rural Development, Government of Chhattisgarh, they issued a notification or order dated 28.04.2015, copy of which is Annexure- P/4 to the writ application, clearly recording that since Panchayat Teachers are not entitled to time bound pay-scale, therefore, the same will stand withdrawn w.e.f. 30.04.2013. Only a replacement pay-scale at par with the Government Teacher would be applicable to them.
5. Aggrieved by the order dated 20.04.2017 passed by the learned Single Judge, who refused to interfere with the decision of the State, the present appeal has been filed.
6. Argument on behalf of learned Senior Counsel for the Appellants is that they were given this benefit on the basis of notification issued by the competent authority and the same cannot be taken away unilaterally.
7. From a reading of the order of the learned Single Judge dated 20.04.2017, it seems that this issue had already arisen before the Court in WPS No.106 of 2014 which was the case of **Marisha Shrivastava Vs. State of Chhattisgarh & Another**, where the learned

Single Judge recorded his opinion on the issue in following terms :

- Teacher (Panchayat) cadre initially appointed as Assistant Teacher (Panchayat), but later on joined as Teacher (Panchayat) as a fresh recruit 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 Chhattigarh 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.”

8. The order of **Marisha Shrivastava** (supra) was challenged before a

Division Bench which upheld the opinion of the learned Single Judge, meaning thereby that the issue whether the Panchayat Teacher is entitled to Kramonnati Vetanman stood settled.

9. If in this background, learned Single Judge has dismissed the writ applications holding that the question raised before him stands squarely answered even by a Division Bench of this High Court, which he is bound to follow, he has done no wrong.
10. We have again closely examined the entirety of the dispute, by reading the various notifications. It is absolutely evident that the State Government took a policy decision only to extend the benefit of pay-scale to Panchayat Teachers at par with a Government School Teacher under the circumstances and on conditions being fulfilled by them. But for some strange reason best known to some of the authorities in the field, they extended the benefit of time bound pay-scale to which they were not entitled to.
11. Since the issue already stands answered by a Division Bench in Writ Appeal Nos. 227 and 231 of 2015, therefore, the learned Single has not committed any error by following the precedent which on closer examination has not been found to be faulty.
12. Appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge