

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 628 of 2019**

Hem Kumar Kanwar S/o Shri B. S. Kanwar Aged About 39 Years Presently Posted As Assistant Teacher (P) At Government Primary School Dhelapara, 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., District : Kondagaon, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Kondagaon, District - Kondagaon Chhattisgarh.

... Respondent(s)

WPS No. 643 of 2019

Arvind Kumar S/o Shri Keshav Ram Aged About 30 Years Presently Posted As Assistant Teacher (P) At Government Primary School Mendpal Block Kondagaon District - Kondagaon Chhattisgarh., R/o Village Mardapal Kondagaon Tahsil And District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Petitioner

Versus

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

3. Chief Executive Officer Janpad Panchayat Kondagaon, District - Kondagaon Chhattisgarh.

Respondent(s)

For Petitioners	:	Shri Mateen Siddiqui and Shri Waquar Naiyar, Advocates.
For Respondents-State	:	Shri Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31.01.2019

1. The counsel for the petitioners undertake to remove the default pointed out by the Registry during the course of the day. With the consent of the parties the matter is heard finally.
2. Since the relief sought for in both the writ petitions is similar, both the writ petitions are being disposed of by this common order.
3. The challenge in these writ petitions is to the order dated 30.06.2018.
4. 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. 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.
5. According to the petitioners, 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.

6. 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.
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, 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