

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 665 of 2019

Hemlal Dhruw S/o Shri Fulsingh Dhruw, Aged About 26 Years, Presently Posted As Assistant Teacher (P), At Government Primary School, Dongaripara (Puspal), Block Kondagaon, District Kondagaon, Chhattisgarh, R/o Village 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

For Petitioner	:	Mr. Waquar Naiyer, Advocate
For State	:	Mr. Rahul Mishra. Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/02/2019

1. Ignoring the default pointed out by the registry the matter stands heard with the consent of the parties on admission stage.
2. 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.
3. The challenge in these writ petitions is to the order dated 30.06.2018.
4. The facts of the case are that the petitioner substantively are the employees of Panchayat Department governed by the rules framed under the Panchayat Raj Adhinium. All the petitioner 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 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 petitioner 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 petitioner submits that vide impugned order dated 30.06.2018 a situation has arisen where the petitioner neither would be considered for promotion nor would they be considered for grant of Kramonnati which the petitioner 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 petitioner 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 petitioner meeting the requirement for promotion to the next higher post. In the instant case, since the promotions have been withheld, the petitioner 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. 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.
8. State counsel submits that the impugned order has been taken to avoid further complications at the time of absorption of the services of the petitioner 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.
9. Be that as it may, once when it is found that the petitioner fulfill all requisite eligibility criteria for promotion and there are also vacancies available in the Department, there is no reason why the petitioner 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 petitioner to the Education Department, this Court is of the firm view that for the intervening period, the petitioner 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 petitioner.

10. 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 petitioner 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 petitioner as of now. The respondents would consider the case of each of the petitioner 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