

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1308 of 2019**

1. Jairam Rathore S/o Shri S. L. Rathore Aged About 45 Years Occupation - Assistant Teacher, Government Higher Secondary School, Sakri, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Gem Singh Yadav S/o Late Shri Netram Yadav Aged About 56 Years Occupation - Assistant Teacher, Government Higher Secondary School Sakri District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Ravindra Kumar Dwivedi S/o Shri Shanti Prasad Dwivedi Aged About 48 Years Occupation - Assistant Teacher, Government Boys Higher Secondary School Champa, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Ghanshyam Prasad Shrivastava S/o Shri Murit Ram Shrivastava Aged About 49 Years Occupation - Assistant Teacher, Government Middle Boys Higher Secondary School Balco Nagar District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Ku. Janak Dulari Shrivastava D/o Late Shri C.P. Shrivastava Aged About 43 Years Occupation - Assistant Teacher, Primary School Nainpur, District Korba Chhattisgarh., District : Korba, Chhattisgarh
6. Hemant Kumar Pandey S/o Shri R. P. Pandey Aged About 51 Years Occupation - Assistant Teacher, Adarsh Government Higher Secondary School Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh
7. Kanhai Bhoi S/o Late Shri Satrugan Bhoi Aged About 51 Years Occupation - Assistant Teacher, Government Higher Secondary School Basna, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
8. Vivekanand Das S/o Shri Gopal Das Aged About 50 Years Occupation - Assistant Teacher, Government Girls Higher Secondary School Basna, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
9. Prakash Das Manikpuri S/o Late Shri V.D. Manikpuri Aged About 52 Years Occupation - Assistant Teacher, Government Higher Secondary School Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
10. Ku. Durga Dadsena D/o Shri G.L. Dadsena Aged About 42 Years Occupation - Assistant Teacher, Government Higher Secondary School Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
11. Jagdish Prasad Sahu S/o Shri Kunj Ram Sahu Aged About 52 Years Occupation - Assistant Teacher, Government Higher Secondary School Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
12. Lekhram Sahu S/o Late Shri T.R. Sahu Aged About 51 Years Occupation - Assistant Teacher, Government Higher Secondary School Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
13. Ashim Kumar Maitra S/o Shri Rajendra Kumar Maitra Aged About 48 Years Occupation - Assistant Teacher, Government Multi. Higher Secondary School

Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

14. Smt. Vibhuti Pathak W/o Shri Rajesh Kumar Pathak Aged About 48 Years Occupation Lecturer (L.B.), Government Higher Secondary School Sakri, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
15. Rajesh Kumar Pathak S/o Late Shri Shiv Kumar Pathak Aged About 55 Years Occupation - Assistant Teacher (L.B.), Government Higher Secondary School Sakri, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
16. Rajesh Kumar Upadhyay S/o Shri Gorelal Upadhyay Aged About 50 Years Occupation - Assistant Teacher, Government Boys Higher Secondary School Champa, District - Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
17. Mamta Dubey W/o Rajeev Tiwari Aged About 50 Years Occupation - Assistant Teacher (L.B.), Government Mlb, Higher Secondary School Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
18. Madhuri Tiwari (Dixit) W/o Shri Rajesh Dixit Aged About 55 Years Occupation - Assistant Teacher (Lb), Government Mlb, Higher Secondary School Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan New Mantralaya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The District Education Officer Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh
3. The District Education Officer Janjgir, District - Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. The District Education Officer Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. The District Education Officer Mahasamund, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
6. The District Education Officer Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh
7. The District Education Officer Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
8. The Block Education Officer Block Kartala, District Korba Chhattisgarh., District : Korba, Chhattisgarh
9. The Block Education Officer Block Bilha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

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For Petitioner	:	Mr. Palash Tiwari, Advocate
For State	:	Ms. Sunita Jain, GA

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

26/02/2019

1. 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 10 years of service.
2. According to the petitioner, they have become eligible for promotion to the post of Teacher (Panchayat). At this juncture, the respondents have issued an 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.
3. Counsel for the petitioners submits that 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.

4. Counsel for the respondent State submits that in a identical writ petition, State Government has already taken a stand that promotions of the petitioner and similarly placed persons have been kept in abeyance because of the merger of the teachers in the Education department on completion of 8 years of service.
5. State counsel submits that the said stand 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.
6. 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.
7. 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

Rohit