

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1852 of 2019**

1. Shital Kumar Mandal S/o Late Vinod Kumar Mandal Aged About 35 Years Working As Assistant Teacher (LB), Government Primary School Kudpani, Block Lundra, District - Surguja Chhattisgarh
2. Smt. Hemna Nayar W/o Shri Raman Nayar, Aged About 31 Years Working As Assistant Teacher (LB), Government Primary School Askala, Block Lundra, District - Surguja Chhattisgarh
3. Rupan Das S/o Late Shivratan Das, Aged About 45 Years Working As Assistant Teacher (LB), Government Primary School Kosampara, Block Lundra, District - Surguja Chhattisgarh
4. Mahesh Kumar Namdev S/o Shri Narayan Prasad Namdev, Aged About 44 Years Working As Assistant Teacher (LB), Government Primary School Yadavpara (Lalmati) Block Lundra, District - Surguja Chhattisgarh
5. Kulwanti Rajwade D/o Shri Parasram Rajwade, Aged About 34 Years Working As Assistant Teacher (LB), Government Primary School Sikilama, Block Lundra, District - Surguja Chhattisgarh
6. Ram Lal Yadav S/o Madai Yadav, Aged About 49 Years Working As Assistant Teacher (LB), Government Primary School Rakhayatpara (Batoli), Block Lundra, District - Surguja Chhattisgarh
7. Pilaram Yadav S/o Vishwanath Yadav, Aged About 51 Years, Working As Assistant Teacher (LB), Government Primary School Rataipara, Block Lundra, District - Surguja Chhattisgarh
8. Smt. Chandani Soni D/o Ravi Chandra Soni, Aged About 29 Years Working As Assistant Teacher (LB), Government Primary School Pahadikorva Ashram, Silsila, Block Lundra, District - Surguja Chhattisgarh

9. Smt. Mamta Gupta D/o Bhola Prasad Gupta, Aged About 34 Years Working As Assistant Teacher (LB), Government Primary School Yadavpara (Lalmati), Block Lundra, District - Surguja Chhattisgarh

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Versus

1. The State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District - Raipur Chhattisgarh
2. Secretary, State Of Chhattisgarh, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District - Raipur Chhattisgarh
3. District Education Officer, Ambikapur, District Surguja Chhattisgarh
4. Chief Executive Officer, Zila Panchayat Ambikapur, District Surguja Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Lundra, District Surguja Chhattisgarh
6. Block Education Officer, Lundra, District Surguja Chhattisgarh

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For Petitioners	:	Mr. Harish Khuntiya, Advocate.
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16.05.2019

1. With the consent of the parties, the matter was reheard today after the review petition i.e. REVP No.83 of 2019 was allowed on 13.05.2019.

2. The limited prayer which the petitioners have made through the instant Writ Petition is for a direction to the respondents for considering the case of the petitioners for grant of benefit of Kramonnati on completion of 8 years of service.

3. According to the petitioners, they were initially appointed in the year 2006-08 as Assistant Teacher (Panchayat) under the Panchayat department. Working on the said post, their services have been since absorbed with the Education Department vide order dated 24/08/2018. Having worked continuously with the department now they have completed 8 years of service entitling them for promotion to the post of Teacher Panchayat which the department as of now has been kept in abeyance by the department.

4. The contention of the counsel for the petitioners is that, since the respondents are not considering the claim of the petitioners for promotion as per the rules they would be entitled for the benefit of Time Bound Pay Scale/Kramonnati on their completing 8 years of service. The petitioners also refers to a couple of Writ Petitions disposed off by this Court on 12/12/2018 in WPS No. 5358/2018 and other analogous Writ Petitions wherein also in the case of similarly placed persons, this Court has disposed off the Writ Petition making the following observations:-

“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.

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.”

5. In view of the fact that in similarly placed Writ Petitions, this Court has already made the aforementioned observations, this Court is of the opinion that the instant case also being similar and identical on facts, has to be disposed off in similar terms.
6. Accordingly, the instant Writ Petition also stands disposed off in similar terms as passed in the Writ Petition (S) No. 5358/2018 and other analogous Writ Petitions d/on 12/12/2018.
7. Let the exercise so far as the petitioners are concerned also be concluded within a period of 4 months from the date of receipt of copy of this order.
8. The Writ Petition accordingly stands disposed off.

Sd/-
P. Sam Koshy
Judge