

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2628 OF 2019**

Khoman Lal Dhruw, aged about 31 years, S/o Mr. Sitaram Dhruw, by occupation Lecturer (Panchayat), Govt. H.S.S. Useli, Block Antagarh, District Uttar Bastar Kanker (CG)

... Petitioner

versus

1. State of Chhattisgarh, through its Secretary, Education Department, Mahanandi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
3. Chief Executive Officer, Zila Panchayat, District Uttar Bastar Kanker (CG)

... Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For Respondents 1 & 2	:	Mrs. Sunita Jain, Govt. Advocate.
For Respondent 3	:	Mr. Vidya Bhushan Soni, Advocate, on behalf of Mr. R.S. Baghel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/08/2019

1. Grievance of the petitioner in the present writ petition is the non-acceptance of the past service rendered by him as Shiksha Karmi Grade-III under the Panchayat Department for the purpose of absorption.
2. The case of the petitioner is that he was initially appointed as Shiksha Karmi Grade-III vide order dated 25.9.2008 under the Panchayat Department i.e. respondent no.3 herein. However, he resigned from the said post and again on 5.6.2010 he was appointed to the post of Shiksha Karmi Grade-III and joined his service on the said post on 16.6.2010. Thereafter, the petitioner after obtaining NOC appeared in the selection process for the post of Lecturer (Panchayat) and got selected vide order dated 9.12.2014 and has been appointed on the said post and continues to work on the said post till date.
3. Grievance of the petitioner now is that, if the initial date of appointment of 25.9.2008 is taken note of the petitioner completes 8 years of service on 24.9.2016 and therefore in terms of the circular of the State Government, dated 30.6.2018, the petitioner would be entitled for absorption, which in the instant case is not being given effect to so far as the petitioner is concerned.

4. Counsel for the petitioner refers to the circular of the State Government, dated 13.7.2018, which is the clarificatory circular to the original circular dated 30.6.2018, wherein it has been specifically held by the State Government that the persons who were working on the lower post after obtaining NOC have appeared and got selected on the higher post, their earlier service rendered on the lower post shall be counted for the purpose of absorption. According to the petitioner, invoking the said circular, as clarified on 13.7.2018, the petitioner's case is liable to be considered for absorption.

5. Given the aforesaid facts and the circular dated 30.6.2018 modified on 13.7.2018, the respondents no. 1 and 3 are directed to immediately process the case of the petitioner in accordance with the aforesaid circulars and take an appropriate decision at the earliest preferably within a period of three months from the date of receipt of the copy of this order.

6. It shall be the responsibility of the petitioner to apprise the respondents so far as the order passed by this court is concerned.

7. The petitioner would also be at liberty to file a fresh representation, if he so wants.

8. The Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/