

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3168 of 2019

1. Himanshu Punwa S/o Late S.M. Punwa Aged About 45 Years Presently Posted Teacher (Panchayat) (Pti) At Government Higher Secondary School Semartal, Bilha, R/o Ward No. 2, Rajeev Gandhi Chowk Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary School Education Department Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh
2. Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Chief Executive Officer Zila Panchayat Bilaspur District Bilaspur Chhattisgarh
4. District Education Officer Bilaspur District Bilaspur Chhattisgarh
5. Block Education Officer, Block Bilha District Bilaspur Chhattisgarh

Respondents

For Petitioner	:	Mr. Waquar Naiyer, Advocate
For State	:	Ms. Shriya Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/05/2019

1. Ignoring the default pointed out by the Registry, with the consent of the parties the matter is heard finally and disposed off at the motion stage itself.
2. The prayer made by the petitioner in this Writ Petition is for issuance of direction to the respondents to count the petitioner service from the date of appointment and not from the date of joining.

3. The petitioner had been seeking this relief so as to obtain the benefit of absorption in the School Education Department as per the policy of the State Government dated 30/06/2018 (Annexure-P/3).
4. The matter pertains to absorption of those Teachers (Panchayat/Urban Administration Department) whose services have been taken by the School Education Department be absorbed as per the policy dated 30/06/2018.
5. As per the said policy, whoever has 8 years of service as on 01/07/2018 would be considered for absorption.
6. Subsequently, another order was passed on 02/07/2018 by the Secretary, School Education Department whereby it has been ordered that all those Teachers (Panchayat/Urban Administration Department) who have completed 8 years of service as on 01/07/2019 would be again considered for absorption and this process thereafter would be continued on the completion of 8 years of service by the department by the first of January as also by the first of July each year for the purpose of absorption.
7. So far as present matter is concerned, petitioner was appointed vide order dated 30/06/2010 and they had given their joining on 03/07/2010. Accepting 03/07/2010 to be the date of joining, the petitioner undisputedly completes his 8 years of service on 02/07/2018. As such the petitioner would be entitled for being considered for absorption as per the circular dated 02/07/2018 in respect of those persons who have completed 8 years of service on 01/07/2019.

8. In the given facts, so far as the petitioner herein is concerned, since he has completed 8 years of service only on 02/07/2018 for all practical purposes the petitioner would have to be considered for absorption in accordance with the circular dated 02/07/2018. When the case of the petitioner would have to be considered by the department on his completing 8 years of service as on 01/01/2019.
9. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioner has 8 years of service as on 02/07/2018. The petitioner would be entitled to be considered for absorption in accordance with the circular dated 02/07/2018. Accordingly, the writ petition stands disposed off with a direction to respondents to consider and decide the claim of the petitioner in accordance with the circular dated 02/07/2018 passed by Government in this regard within a period of 90 days from the date of receipt of copy of this order.
10. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge