

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3356 of 2019**

1. Guruvesh Kumar Kurre S/o Shri Dayaram Kurre Aged About 30 Years R/o Village Dhourabhath Kala, Post Office Pratappur, Tehsil Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
2. Udal Prasad Banjare S/o Shri Premdas Banjare Aged About 40 Years R/o Village And Post Amsena Via - Kharora, Tehsil Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Bhagwati Prasad Markandey S/o Shri Suryakant Markandey Aged About 31 Years R/o Village Baghuli, Post Baghul, Tehsil Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
3. Chief Executive Officer Zila Panchayat Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shantam Awasthi, Advocate
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/05/2019**

1. The limited grievance which the petitioners has raised in the present writ petition is that the petitioners who are appointed in the year 2007 are still working with the department and as such has put in about 12 years of service but the petitioner has till date not been granted the

benefit of revised pay scale which the petitioner should have got on completion of 8 years of service.

2. According to the petitioners unofficially it has been informed to them that the benefit is not being extended to them as the department has not counted the two intervening periods during which the petitioners on earlier occasions were terminated from service.
3. However, perusal of the record would show that both the earlier termination orders one dated 10/06/2008 and the other dated 17/01/2016 were quashed by this Court by two separate orders, one dated 27/01/2014 passed in WPS No. 3125/2008 and the second order being quashed on 13/12/2018 in WPS No. 8285/2018. Since both the two termination orders were quashed by the High Court for all practical purposes the intervening period that they were out of employment would have to be treated as a period spent on duty and the petitioners would also be entitled for the benefits of continuity of service for the said period.
4. Since the orders of termination stands quashed by the High Court ,it has to be accepted or treated as if the order of termination never existed and that the intervening period has to be treated as continuous.
5. Given the aforesaid facts and circumstances of the case, let petitioner make a detailed representation in this regard to the respondent No. 3 & 4 within a period of two weeks who in turn shall consider the claim of the petitioners for revised pay scale and shall pass an appropriate orders accordingly.
6. It is expected that the respondent No. 3 & 4 shall take a decision at the earliest preferably within a period of three months from the date of receipt of copy of the representation.

7. With the aforesaid directions, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)

Judge

Rohit