

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3176 of 2019**

Dhruw Kumar Sahu S/o Shri Tilak Ram Sahu Aged About 33 Years Village
Kutkipara, P.O. Dharampura, P.S. Kawardha, District- Kabirdham,
Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**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. Sunita Jain, GA

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

01/05/2019

1. The limited grievance which the petitioner has raised in the present writ petition is that the petitioner who has been appointed in the year 2007 is 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 petitioner unofficially it has been informed to the petitioner that the benefit is not being extended to the petitioner as the department has not counted the two intervening periods during

which the petitioner on earlier occasions was 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 19/06/2014 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 31/10/2018 in WPS No. 2249/2016. Since both the two termination orders were quashed by the High Court for all practical purposes the intervening period that he was out of employment would have to be treated as a period spent on duty and the petitioner would also be entitled for the benefits of continuity of service for the said period.
4. Since the orders of termination have been 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 petitioner 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