

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3427 of 2019**

1. Bhudhar Prasad Tiwari S/o Khem Prasad Tiwari, Aged About 45 Years, R/o Village Chuhka, Post Office Hotraka, Tehsil Saja, District – Bemetara, Chhattisgarh
2. Arun Kumar Verma S/o Shri Anjor Singh Verma, Aged About 33 Years, R/o Village Hashmudi, District – Bemetara, Chhattisgarh
3. Rajendra Kumar Sahu S/o Shri Pawan Sahu, Aged About 33 Years R/o Village Barchha, Post Bhanshoj, Tehsil Aarang, District Raipur Chhattisgarh
4. Khileshwar Das Sahu S/o Shri Ramadhar Sahu, Aged About 34 Years R/o Village Devri, Post Khursuni, Tehsil Gundardehi, District Balod Chhattisgarh
5. Laxman Prasad Bharti S/o Shri Jhaduram, Aged About 38 Years R/o Post Mau, Police Station Nandghat, Tehsil And District Bemetara Chhattisgarh
6. Harish Chandra Tandan S/o Shri Jagrit Kumar Tandan, Aged About 35 Years R/o Village Akaltara, Post Chourenga, Tehsil Simga, District Baloda - Bazar Chhattisgarh
7. Bhagwan Singh Sivana S/o Shri Tansingh Sivana, Aged About 37 Years, R/o Village Bagdai, Post Limora, Tehsil Gurur, District Balod Chhattisgarh
8. Kuleshwar Kumar Patel S/o Shri Loopsingh Patel, Aged About 31 Years R/o Village Khairjhiti Kala, Post Hatranka, Tehsil Thankhamariya, Block Saja, District Bemetara, Chhattisgarh
9. Dev Kumar Nishad S/o Shri Kanhaiyya Lal Nishad, Aged About 38 Years R/o Village Lakhna, Post Sarora, Tehsil Tilda, District Raipur Chhattisgarh
10. Shyam Lal Sinha S/o Shri Ganga Prasad Sinha, Aged About 41 Years, Village Padmi, Post Bemetara, Tehsil Than Khamariya District - Bemetara Chhattisgarh

11. Purushottam Patel S/o Shri Khadanand Patel, Aged About 38 Years, Village Padmi, Post Bemetara Tehsil Than Khamariya 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
2. The Collector, District Bemetara, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Bemetara, District Bemetara Chhattisgarh
5. Chief Executive Office,r Janpad Panchayat, Saja, District Bemetara Chhattisgarh

---- **Respondents**

For Petitioners	:	Mr. Pranjal Shukla, Advocate
For State	:	Mr. P. Acharya, P.L.

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

07/05/2019

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. 1420/2016. 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 order 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**