

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 3297 of 2019**

Uttam Das Markanday S/o Ramadhar Markandey, Aged About 40 Years  
Working As Lecturer Panchayat, Govt. Higher Secondary School, Bhediya  
Nawagaon, Block And District Balod, Chhattisgarh., District : Balod,  
Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director, Public Instructions, Directorate Of Education, Atal Nagar, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Commissioner-Cum-Director, Directorate Of Panchayat, Atal Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Executive Officer, Jila Panchayat, Balod, District Balod, Chhattisgarh., District : Balod, Chhattisgarh
6. District Education Officer, Balod, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

**---- Respondents**

|                |   |                               |
|----------------|---|-------------------------------|
| For Petitioner | : | Mr. Harish Khuntiya, Advocate |
| For State      | : | Mr. Ishan Verma, P.L.         |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**03/05/2019**

1. The grievance of the petitioner in the present writ petition is the non-acceptance of the past service rendered by the petitioner as a Teacher (P) by the respondents for the purpose of absorption in the Education Department.
2. The case of the petitioner is that the petitioner was initially appointed as Shiksha Karmi Grade-II way back in the year 2008 and subsequently he got selected to the higher grade or the same grade through different recruitment process. For the purpose of grant of

revised pay scale, the State Govt. has taken the past service rendered as a Teacher (P) of the petitioner and has granted the benefit of revised pay scale on completion of 8 years service starting from 2008, that is the time when the petitioner was initially appointed as a Teacher (P).

3. The grievance of the petitioner now is that though the Department has accepted the past service of the petitioner for the purpose of revised pay scale but for the purpose of counting the total length of service for absorption in the Education Department, the past service is not being considered.
4. This Court does not find any strong reason or ground on the part of the Department for not accepting the past service of the petitioner for the purpose of absorption particularly when the department has counted the past service for the purpose of grant of revised pay scale.
5. Given the aforesaid fact, let the case of the petitioner be scrutinized by respondent no.3 and an appropriate order be passed as to why the past service of the petitioner cannot be counted for the purpose of absorption when the Department itself has counted the said period for the purpose of revised pay scale. Let an order be passed by respondent no.3 within a period of 90 days from the date of receipt of copy of this order after thorough verification of the facts, particularly the initial appointment of the petitioner, his entitlement and the subsequent selection, from the service record of the petitioner. It shall be the responsibility of the petitioner to apprise respondent no.3 so far as the order passed by this Court is

concerned. The petitioner would be at liberty to file a suitable representation, if he so wants, supported with all relevant documents.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
**Judge**