

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3973 of 2019

1. Yogeshwar Kumar Sahu S/o Shri Biselal Sahu Aged About 33 Years Posted At Government Primary School Kechhvai Block Saja, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
2. Surendra Kumar Sahu S/o Shri Ramsahay Sahu Aged About 31 Years Posted At Government Primary School Pendra, Balock Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
3. Manharan Kumar Sahu S/o Shri Ramkhilavan Sahu Aged About 30 Years Posted At Government Primary School, Motesara, Block Saja District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
4. Gopal Das Kurrey S/o Shri Babulal Kurrey Aged About 38 Years Posted At Government Primary School Mohbhatta, Block Berla District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Departmetn 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 Berla District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Saja District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---Respondents

For Petitioners	:	Mr. Shantam Awasthi, Advocate
For State	:	Ms. Sunita Jain, G.A.

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

17/05/2019

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 27/06/2008 and the other dated 23/06/2014 were quashed by this Court by two separate orders, one dated 27/01/2014 passed in WPS No. 2178/2014 and the second order being quashed on 13/12/2018, 31/01/2019 in WPS No. 874/2017, 8396/2018, 4101/2018. 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