

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4277 of 2019**

1. Smt. Shakuntala Rajput, W/o. Shri Ganesh Rajput, Aged About 37 Years, R/o. Village- Budhera, Janpad Panchayat Berla, District- Bemetara, Chhattisgarh.
2. Omprakash Nirmalkar, S/o. Shri Mangluram Nirmalkar, Aged About 34 Years, R/o. Village- Deurgaon, Post- Saja, Tahsil- Saja, District- Bemetara, Chhattisgarh.

----Petitioners**Versus**

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

---- Respondents

For Petitioners	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Ms. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/06/2019**

1. Petition has been brought under Article 226 of the Constitution of India for issuance of appropriate writs.

2. It is submitted by the counsel for the petitioners that the petitioners were appointed to the post of Shiksha Karmi Grade-III by Janpad Panchayat, Berla in the year 2007. The petitioners were then illegally terminated on 23.06.2014. The termination order was challenged before the Appellate Authority and after rejection of the same, W.P.(S) No. 6058/2017 and W.P.(S) No.8396/2018 were filed before this Court and that writ petitions were allowed by this Court by order dated 11/12/2018 & 13.12.2018 respectively and the termination of the petitioners were quashed. Consequent to that order, the petitioners again resumed their duties but the respondents have not taken the service period of the petitioners as aggregate period of service and have denied the revised pay scale. Hence, this case.
3. Counsel for the respondents opposes the petition and submits that because of the termination of the petitioners, there had been a break of service of the petitioners, therefore, they are not entitled for revised pay scale.
4. On perusal of the record, it appears that the termination order dated 23.06.2014 has been quashed by this Court vide order dated 11.12.2018 & 13.12.2018 in W.P.(S) No.6058/2017 and W.P.(S) No.8396/2018 respectively, therefore, in such case, where a termination order has been found non-existent by this Court, the services of the petitioners shall be treated as continuous.
5. After due consideration and on the basis of the discussion made herein above, this petition is allowed at the motion stage. The petitioners are directed to make a detailed representation to the concerned respondents with respect to their claim within a period of three weeks of this order for revised pay scale, who in turn shall

consider the claim of the petitioners for revised pay scale and shall pass an appropriate order accordingly at the earliest preferably within a period of three months from the date of receipt of copy of the representation.

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

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge

Balram