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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4259 of 2019**

1. Yadram Dhritlahre, S/o. Shri Gandhiram Dhritlahre, Aged About 32 Years, Presently Posted In Govt. Primary School, Mohbhatta Block - Berla, R/o. Village Mohtara, Post - Neurgaon, Police Station Saja, District Bemetara Chhattisgarh.
2. Suresh Kumar Verma, S/o. Bandhuran Verma, Aged About 38 Years, Presently Posted in Govt. Primary School, Kandarka Block - Berla, R/o. Village and Post - Darbar Mokhli, Tahsil Patan, District Durg Chhattisgarh.
3. Khomlal, S/o. Prahlad Sahu, Aged About 33 Years, Presently Posted in Govt. Primary School, Berlakala Block - Berla, R/o. Village - Kukera, Post - Manohara, tahsil - Dharsiniwa, District Raipur Chhattisgarh.
4. Mukesh Kumar, S/o. Punarart Sahu, Aged About 30 Years, Presently Posted In Govt. Primary School, Pendri, Block - Berla, R/o. Village and Post - Khorpa, Tahsil - Abhanpur, District Raipur Chhattisgarh.
5. Ramkhilavan Sahu, S/o. Ramnath Aged About 30 Years, Presently Posted In Govt. Primary School, Manjhidera (Kiritpur) Block - Berla, R/o Village Rasouta, Tahsil - Palari, District Raipur Chhattisgarh.
6. Narendra Kumar Sarang, S/o. Subechand Sarang, Aged About 31 Years, Presently Posted In Govt. Primary School, Godgiri Block - Berla, R/o. Village Siltara, District Raipur Chhattisgarh.
7. Jaiprakash Chandel, S/o. Devdas, Aged About 29 Years, Presently Posted in Govt. Primary School, Sinwar Block - Berla, R/o. Village Soudh, Tahsil - Berla, District Bemetara Chhattisgarh.
8. Pavindra Baghel, S/o. Farha Ram, Aged About 42 Years, Presently Posted In Govt. Primary School, Sodh Block - Berla, R/o. Village Pandri Tarai, Tahsil Dhamda, District Durg Chhattisgarh.
9. Dalchand Sahu, S/o. Dalluram Sahu, Aged About 45 Years, Presently Posted In Govt. Primary School, Bhilouri Block - Berla, R/o. Village Bhiliuri, Tahsil Berla, District Bemetara Chhattisgarh.
10. Mansha Ram Kosle, S/o. Bijeram Kosle, Aged About 36 Years, Presently Posted In Govt. Primary School, Surajpura(D) Block - Berla, R/o. Village Sardha, Tahsil Berla, District Bemetara Chhattisgarh.
11. Tarun Kumar Sahu, S/o. Joshi Ram Sahu, Aged About 30 Years, Presently Posted in Govt. Primary School, Bharchatti, Block - Berla, R/o. Village Tengabhaath, Tahsil Dhamda, District Durg 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. 874/2017 and W.P.(S) No.4177/2018 were filed before this Court and that writ petitions were allowed by this Court by order dated 31.01.2019 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 31.01.2019, in W.P.(S) No. 874/2017 and W.P.(S) No.4177/2018, therefore, in such case, where a termination order has been found non-existent by this Court, 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