

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 4269 of 2019**

1. Hemant Kumar Soni, S/o. Shri Vishal Prasad Soni, Aged About 40 Years, Soni Para, Ward No.- 16, Singhour, Bemetara, District- Bemetara, Chhattisgarh.
2. Smt. Hemlata Sahu, W/o. Shri Umesh Kumar Sahu, Aged About 31 Years, R/o. Ganjpara Bemetara, District- Bemetara, Chhattisgarh.

----Petitioners**Versus**

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

---- Respondents

For Petitioners	: Mr. Shantam Awasthi, Advocate
For Respondent/State	: Ms. Sunita Jain, 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 Bemetara vide order dated 16.07.2007. It is submitted that the petitioners were earlier terminated vide order dated 10.06.2008 and 19.06.2014. The termination orders were challenged before the Appellate Authority and after rejection of the same the termination orders were challenged before this Court. The first termination order dated 10.06.2008 was quashed vide order dated 27.01.2014 and the second termination order dated 19.06.2014 was being quashed vide order dated 07.01.2019 in W.P.(S) No.4 of 2019. 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 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 and the second dated 07.01.2019 in W.P.(S) No.4 of 2019, 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