

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4297 of 2019**

1. Bhuneshwari Nirmalkar, D/o. Shri Yogesh Kumar, Aged About 32 Years, Presently Posted in Govt. Primary School, Bhalesar, Block - Berla, R/o. Village Bhalesar, Block - Berla, District Bemetara Chhattisgarh.
2. Nohar Singh Verma, S/o. Shri Meghram Verma, Aged About 31 Years, Presently Posted in Govt. Primary School, Reve Block-Berla, R/o. Village- Hatpan, Block- Berla, District Bemetara Chhattisgarh.
3. Ghanshyam Prasad Verma, S/o. Shri Gajadhar Prasad Verma, Aged About 45 Years, Presently Posted In Govt. Primary School, Singaardih, Block Berla, R/o. Village Daimar, Post Devada, Tahsil Patan, District Durg Chhattisgarh.
4. Bala Raju, S/o. Shri Simadri, Aged About 35 Years, Presently Posted In Govt. Primary School, Kohdiya, Block- Berla, R/o. Risali Post Civic Center, Police Station Nevai, 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. 622/2019 and W.P.(S) No.1190/2019 were filed before this Court and that writ petitions were allowed by this Court by order dated 01/02/2019 & 21.02.2019 respectively and the termination of the petitioners quashed. Consequent to that order, the petitioners were 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 01.02.2019 & 21.02.2019 in W.P.(S) No. 622/2019 and W.P.(S) No.1190/2019 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