

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 4298 of 2019**

Girdhari Lal Bandhe S/o Shri Hariprasad Bandhe Aged About 45 Years Presently Posted In Govt. Primary School, Medpar (Chota), Post Sankul, Sakarra, Block- Takhatpur, District Bilaspur, R/o Ludrupara, Ward No. 8, Bilha, Post Bilha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Petitioner**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 -Bilaspur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Takhatpur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	: 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 petitioner that the petitioner was appointed to the post of Shiksha Karmi Grade-III by Janpad Panchayat, Takhatpur in the year 2007. The petitioner was 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. 1190/2019 was filed before this Court and that writ petition was allowed by this Court by order dated 21/02/2019 and the termination of the petitioner was quashed. Consequent to

that order, the petitioner again resumed his duty but the respondents have not taken the service period of the petitioner 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 petitioner, there had been a break of service of the petitioner, therefore, he is 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 21.02.2019 in W.P.(S) No.1190/2019, therefore, in such case, where a termination order has been found non-existent by this Court, the services of the petitioner 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 petitioner is directed to make a detailed representation to the concerned respondents with respect to his claim within a period of three weeks of this order for revised pay scale, who in turn shall consider the claim of the petitioner 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