

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4333 of 2019**

Durga Sahu, S/o. Ghanshyam Sahu, Aged About 33 Years, Presently Posted In Govt. Primary School, Purena Khapri, Janpad Panchayat Baloda Bazar, R/o. Village Sakri, Tahsil and District Balodabazar Bhatapara 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 -Baloda Bazar Bhatapara, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Baloda Bazar - Bhatapara, District Baloda Bazar – Bhatapara, Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Devershi Thakur, 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 petitioner that the petitioner was appointed to the post of Shiksha Karmi Grade-III by Janpad Panchayat, Baloda Bazar 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. 874/2017 was filed before this Court and that writ petition was allowed by this Court by order dated 31/01/2019

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 31.01.2019 in W.P.(S) No.874/2017, 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