

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4362 of 2019**

Kamal Prasad Koshale, S/o. Swarupdas Koshle, Aged About 38 Years,
R/o. Village Hemaband, Post Office - Khandsara, Tahsil and District
Bemetara Chhattisgarh.

----Petitioner**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 Petitioner	: Mr. Shantam Awasthi, 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 Bemetara vide order dated 16.07.2007. It is submitted that the petitioner was 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 31.10.2018 in

W.P.(S) No.1420 of 2016. 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 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 31.10.2018 in W.P.(S) No.1420 of 2016, 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