

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4568 of 2019

1. Ashvani Kumar Kaushik S/o Chamra Ram Kaushik Aged About 35 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Kurdeg, Block Bagicha, District Jashpur Chhattisgarh.
2. Nand Kishore Kushwaha S/o Ram Naresh Kushwaha Aged About 31 Years Working As Lecturer (Panchayat) At Govt. High School Pasiya, Block Bagicha District Jashpur Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh.
2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh.
3. Director Directorate Of Chhattisgarh Public Instruction Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
4. Chief Executive Officer Zila Panchayat Jashpur, District Jashpur, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Govind Dewangan, Advocate.
For Respondent-State	:	Shri Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.06.2019.

1. The grievance of the petitioners in the present writ petition is the non acceptance of the past service rendered by the petitioners as Teacher (P) and Assistant Teacher (P) by the respondents for the purpose of absorption in the Education Department.
2. The details of the initial appointment of and petitioners and the subsequent appointment and the post against which they were appointed on two occasions are reflected in the chart as produced below:

Petitioner	Date of initial appointment	Date of subsequent appointment
No.1	21.06.2005 (SK-III)	06.01.2012 (SK-I)
No.2	30.05.2009 (SK-III)	20.03.2012 (SK-I)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Teacher (P) and Assistant Teacher (P) of the

petitioners and has granted the benefit of revised pay scale on completion of 8 years service starting from the time when the petitioners were initially appointed as Teacher (P) and Assistant Teacher (P).

4. The grievance of the petitioners now is that though the Department has accepted the past service of the petitioners for the purpose of revised pay scale but for the purpose of counting the total length of service for absorption in the Education Department, the past service is not being considered.
5. This Court does not find any strong reason or ground on the part of the Department for not accepting the past service of the petitioners for the purpose of absorption particularly when the department has counted the past service for the purpose of grant of revised pay scale.
6. Given the aforesaid fact, let the case of the petitioners be scrutinized by respondents No.2&3 and an appropriate order be passed as to why the past service of the petitioners cannot be counted for the purpose of absorption when the Department itself has counted the said period for the purpose of revised pay scale. Let an order be passed by respondents No.2 &3 within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise respondents No.2&3 so far as the order passed by this Court is concerned. The petitioners would be at liberty to file a suitable representation, if they so want, supported with all relevant documents.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge