

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4629 of 2019

1. Smt. Saraswati Divedi W/o Suraj Kumar Dwivedi Aged About 42 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Kalyanpur, Block Dongargarh, District Rajnandgaon Chhattisgarh.
2. Priya Rajput W/o Pradeep Signh Rajput Aged About 31 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Jhurandi, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.
3. Padmini Chandrakar D/o B.L. Chandrakar Aged About 35 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Rajamohgaon, Block Saja, District Bemetara, Chhattisgarh.
4. Archana Tamrakar W/o Vivek Tamrakar Aged About 35 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Jungera, Block And District Balod Chhattisgarh.
5. Tikeshwari Kurre W/o Omprakash Kurre Aged About 36 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Jungera, Block And District Balod Chhattisgarh.
6. Vedprakash Baghel S/o Baratu Lal Baghel Aged About 44 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Taksiwan, Block Berla, District Bemetara Chhattisgarh.
7. Anita Kurre W/o Pradeep Kurre Aged About 39 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Patora, Block Berla, District Bemetara Chhattisgarh.
8. Krishna Nand Sahu S/o Dashrath Lal Sahu Aged About 48 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Patora, Block Berla, District Bemetara Chhattisgarh.
9. Chandrahash Sahu S/o Chhannulal Sahu Aged About 34 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Achaud, Block Gunderdehi, District Balod Chhattisgarh.
10. Peela Lal Deshmukh S/o Raghuvir Prasad Deshmukh Aged About 39 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Bhathagaon, Block Gunderdehi, District Balod, Chhattisgarh.
11. Rajendra Kumar Yadav S/o Harprasad Yadav Aged About 46 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Bhathagao(R), Block Gunderdehi, District Balod Chhattisgarh.
12. Namita Mishra W/o Ravindra Mishra Aged About 37 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Jamul, Block And District Durg Chhattisgarh.
13. Chandrani Dewangan W/o Shailendra Kumar Dewangan Aged About 32 Years Working As Lecturer Panchayat (Nagriya Nikay) Govt. Higher Secondary School, Maroda, Block And District Durg Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
2. Secretary Education Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
3. Director Public Instructions, Directorate Of Education Atal Nagar, Naya Raipur Chhattisgarh.
4. Commissioner Cum Director Directorate Of Panchayat Atal Nagar, Raipur, District Raipur Chhattisgarh.
5. Chief Executive Officer Jila Panchayat, Rajnandgaon, District Rajnandgaon Chhattisgarh.
6. Chief Executive Officer Jila Panchayat Bemetara, District Bemetara Chhattisgarh.
7. Chief Executive Officer Jila Panchayat, Balod, District Balod Chhattisgarh.
8. Chief Executive Officer Jila Panchayat, Durg, District Durg Chhattisgarh.
9. District Education Officer Rajnandgaon, District Rajnandgaon Chhattisgarh.
10. District Education Officer Bemetara, District Bemetara Chhattisgarh.
11. District Education Officer Balod, District Balod Chhattisgarh.
12. District Education Officer Durg, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

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 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:

Petitioners' Name	Date of Initial Appointment	Date of Subsequent Appointment
No.1	03.02.09 (S. K. 3)	13.10.10 (S. K. 1)
No.2	18.07.06 (S. K. 3)	03.04.12 (S. K. 1)

No.3	24.02.09 (S. K. 3)	28.11.11 (S. K. 1)
No.4	13.10.08 (S. K. 3)	14.09.11 (S. K. 1)
No.5	13.10.08 (S. K. 3)	28.09.11 (S. K. 1)
No.6	08.07.08 (S. K. 3)	06.07.11 (S. K. 1)
No.7	13.10.08 (S. K. 2)	06.07.10 (S. K. 1)
No.8	08.10.08 (S. K. 3)	03.07.10 (S. K. 1)
No.9	06.08.08 (S. K. 3)	06.07.13 (S. K. 1)
No.10	09.07.08 (S. K. 3)	05.07.10 (S. K. 1)
No.11	09.07.08 (S. K. 3)	06.07.10 (S. K. 1)
No.12	29.08.08 (S. K. 1)	01.12.11 (S. K. 1)
No.13	23.03.09 (S. K. 2)	05.07.10 (S. K. 1)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as 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 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 1 & 2 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 1 & 2 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 1 & 2 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

Ved