

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4962 of 2019

Smt. Reena Baghel W/o Shri Rupesh Baghel, Aged About 28 Years
Presently Posted In Government Primary School Hardi, Block Berla
R/o Village & Po Ghotha, Tahsil Dhamdha, District - Durg
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 – Bemetara, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Bemetara, District – Bemetara, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Berla, District - Bemetara Chhattisgarh

----Respondents

For Petitioner	:	Mr. J. K. Gupta, Advocate.
For State	:	Mr. Samir Behar, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/07/2019

1. The claim of the petitioner in the present writ petition is for grant of the benefit of revised pay scale w.e.f. 15.07.2015 as per the circular of the State Govt. dated 17.05.2013 Annexure P-1.
2. The facts of the case are that the petitioner was appointed as a Shiksha Karmi Grade-III in the year 2007 and she continued to work

on the said post when the services were abruptly terminated vide order dated 23.06.2014. The order of termination was subjected to challenge in WPS No. 4737 of 2018 and this Court vide its order dated 15.05.2019 allowed the same on the ground of non compliance of Rule 7 of the Chhattisgarh Panchayat Services (Disciplinary and Appeal) Rules, 1999. Pursuant to the order passed by this Court, the respondents have reinstated the petitioner vide order Annexure P-4 dated 24.05.2019 and thereafter the petitioner is continuously working.

3. According to the petitioner, since she has been taken back in service, she would be entitled for the benefit that has been accrued against the post of Shiksha Karmi and that she should also be given all the benefits that arise out of any revision of pay that took place during the intervening period. According to the petitioner, in the light of the judgment of this Court and which stands complied with by the respondents it has to be treated as if the petitioner was never terminated from service.
4. State counsel, however, opposes the petition on the ground that since the petitioner was terminated from service and she was out of employment for a considerable period of time, she would not be entitled for the benefits during the intervening period.
5. The issue raised by the petitioner in the present writ petition came up for hearing in WPS No. 3973 of 2019 and this Court in a similar set of facts disposed of the writ petition directing respondents 3 & 4 to

take a decision on the claim of the petitioners therein for the benefit of revised pay scale as per Annexure P-1 dated 17.05.2013.

6. Given the said facts and circumstances, let the petitioner, in addition to any representation that she has already made, make a fresh representation to respondents 3 & 4 within a period of 3 weeks from today. On such representation being made, the respondents 3 & 4 shall take a decision at the earliest preferably within a period of 3 months from the date of receipt of the fresh representation deciding whether the petitioner would be entitled for the benefit of revised pay scale or not. If the petitioner is not entitled, she should be intimated as to why she is not entitled for. At the same time, if the petitioner is entitled for, the benefit should be extended to her forthwith without any further delay.
7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai