

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5101 of 2019**

1. Narendra Kumar Sahu S/o Bharat Lal Sahu, Aged About 39 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Chherkapur, Block Pallari, District Baloda Bazar Bhatapara Chhattisgarh
2. Hemant Kumar Deohari S/o Pati Ram Deohari, Aged About 32 Years Working As Teacher (Panchayat) At Govt. Middle School Sisdeori, Block Pallari, District Baloda Bazar Bhatapara, Chhattisgarh
3. Thaneshwar Kumar Arya S/o Itwari Ram Arya, Aged About 42 Years Working As Lecturer (Panchayat), At Govt. Higher Secondary School Kosmandi, Block Pallari, District Baloda Bazar Bhatapara, Chhattisgarh
4. Smt. Rukhmani Goyal W/o Santosh Kumar Goyal, Aged About 34 Years, Working As Lecturer (Panchayat) At Govt. Higher Secondary School Jarve, Block Pallari, District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh
4. District Education Officer, Baloda Bazar Bhatapara, District Baloda

Bazar Bhatapara Chhattisgarh

5. Chief Executive Officer, Zila Panchayat, Baloda Bazar Bhatapara,
District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Petitioners	:	Shri Harish Khuntiya, Advocate
For State	:	Shri Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.07.2019

1. The grievance of the petitioners in the present writ petition is the non-acceptance of the past services rendered by the petitioners as Shiksha Karmi Grade-1/Grade-II/Grade-III by the respondents for the purpose of absorption in the Education Department.
2. The details of the initial appointment and the subsequent appointment of the petitioners and the post against which they were appointed on two occasions are reflected in the chart as produced below:

Petitioners	Initial Appointment	Subsequent Appointment
No.1	07.08.08 (S. K. 2)	18.10.11 (S. K. 1)
No.2	09.06.10 (S. K. 3)	15.07.11 (S. K. 2)
No.3	19.02.09 (S. K. 3)	19.02.13 (S. K. 1)
No.4	09.06.05 (S. K. 3)	10.11.10 (S. K. 2) again on 07.07.11 (S.K. 1)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past services rendered as Shiksha Karmi Grade-1/Grade-II/Grade-III 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 Shiksha Karmi Grade-1/Grade-II/Grade-III.

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