

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 5079 of 2019**

Prakash Kumar Dewangan S/o Shri Pitambar Ram Dewangan Aged About 33 Years R/o Village Dahimahi, Post Office Kestara, Tahsil Saja, District-Durg, Chhattisgarh.

**---- Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya Capital Complex Naya Raipur, District- Raipur, Chhattisgarh.
2. Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
3. Director Directorate Of Public Instruction, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
4. Collector Bemetara, District- Bemetara, Chhattisgarh.
5. District Education Officer Bemetara District- Bemetara, Chhattisgarh.
6. Chief Executive Officer Jila Panchayat Bemetara, District- Bemetara, Chhattisgarh.
7. Chief Executive Officer Janpad Panchayat Bemetara, District- Bemetara, Chhattisgarh.

**---Respondents**

|                |   |                                     |
|----------------|---|-------------------------------------|
| For Petitioner | : | Shri Yogendra Chaturvedi, Advocate. |
| For State      | : | Shri P. Acharya, Panel Lawyer.      |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**15.07.2019**

1. The limited grievance which the petitioner has raised in the present writ petition is that the petitioner who has been appointed in the year 2007 is still working with the department and as such has put in about 12 years of service but the petitioner has till date not been granted the benefit of revised pay scale and absorption in the education department which the petitioner should have got on completion of 8 years of service.

2. According to the petitioner, unofficially it has been informed to the petitioner that the benefit is not being extended to the petitioner as the department has not counted the two intervening periods during which the petitioner on earlier occasions was terminated from service.
3. However, perusal of the record would show 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 passed in WPS No. 3125/2008 and the second order being quashed on 28.01.2019 in WPS No. 6450/2018. Since both the two termination orders were quashed by the High Court for all practical purposes the intervening period that he was out of employment would have to be treated as a period spent on duty and the petitioner would also be entitled for the benefits of continuity of service for the said period.
4. Since the orders of termination have been quashed by the High Court, it has to be accepted or treated as if the order of termination never existed and that the intervening period has to be treated as continuous.
5. Given the aforesaid facts and circumstances of the case, let petitioner make a detailed representation in this regard to the respondent No. 3 & 4 within a period of two weeks who in turn shall consider the claim of the petitioner for revised pay scale and absorption in the education department and shall pass an appropriate order accordingly.
6. It is expected that the respondent No. 3 & 4 shall take a decision at the earliest preferably within a period of three months from the date of receipt of copy of the representation.
7. With the aforesaid directions, the writ petition stands disposed off.

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