

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5288 of 2019

1. Roopnarayan Patel S/o Balbhadra Patel Aged About 42 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Jewara, Block Masturi, District Bilaspur, Chhattisgarh.
2. Teras Kumar Dhirhi S/o Manaram Dhirhi Aged About 39 Years S/o Manaram Dhirhi, Working As Lecturer (Panchayat) At Govt. High School Bohardih, Block Masturi, District- Bilaspur, Chhattisgarh.
3. Jageshwar Kumar Dewangan S/o Motilal Dewangan Aged About 42 Years Working As Lecturer (Panchayat) At Govt. High School Matiya, Block Masturi, District- Bilaspur, Chhattisgarh.
4. Ram Sharan Keshakar S/o Krishna Lal Keshakar Aged About 40 Years Working As Lecturer (Panchayat) At Govt. High School Bitkula, Block Masturi, District- Bilaspur, Chhattisgarh.
5. Pramod Kumar Kurrey S/o Jeevan Lal Kurrey Aged About 36 Years Working As Lecturer (Panchayat) At Govt. High School Nirtu, Block Masturi, District Bilaspur, Chhattisgarh.
6. Smt. Rita Sahu W/o Dileep Kumar Sahu Aged About 39 Years Working As Lecturer (Panchayat) At Govt. High School Rank, Block Masturi, District- Bilaspur, Chhattisgarh.

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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, Bilaspur, District Bilaspur, Chhattisgarh.
5. Block Education Officer, Masturi, District- Bilaspur, Chhattisgarh.
6. Chief Executive Officer, Zila Panchayat, Bilaspur, District- Bilaspur, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Govind Dewangan, Advocate
For State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.07.2019.

1. The grievance of the petitioners in the present writ petition is the non acceptance of the past service rendered by the petitioners as Shiksha

Karmi Grade I, Shiksha Karmi Grade-II and Shiksha Karmi Grade-III 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	03.06.2009, S.K.-III	03.04.2012, S.K.-I
No.2	08.11.2010, S.K.-II	12.08.2011, S.K.-I
No.3	07.09.2010, S.K.-I	22.07.2011, S.K.-I
No.4	30.06.2010, S.K.-I	16.05.2013, S.K.-I
No. 5	15.07.2011, S.K.-II	16.05.2013, S.K.-I
No.6	23.06.2010, S.K.-I	27.06.2011, S.K.-I

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Shiksha Karmi Grade I, Shiksha Karmi Grade-II and Shiksha Karmi 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 I, Shiksha Karmi Grade-II and Shiksha Karmi 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 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

inder