

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 5765 OF 2019**

1. Mrs. Saranya Ritesh W/o Mr. C.G. Ritesh Aged About 32 Years By Occupation Lecturer (Nagriya Nikay), Govt. Girls Higher Secondary School Neora, Block Tilda, District Raipur Chhattisgarh
2. Hempushpa Ratre W/o Mr. Maniram Ratre Aged About 31 Years By Occupation Lecturer (Nagriya Nikay), Govt. Girls Higher Secondary School Neora, Block Tilda, District Raipur Chhattisgarh
3. Surendra Kumar Sahu S/o Mr. Harprasad Sahu Aged About 41 Years By Occupation Lecturer (Nagriya Nikay), Govt. Girls Higher Secondary School Neora, Block Tilda, District Raipur Chhattisgarh
4. Dharmendra Kumar Verma S/o Mrs. Vishnu Prasad Verma Aged About 42 Years By Occupation Lecturer (Nagriya Nikay), Govt. Girls Higher Secondary School Neora, Block Tilda, District Raipur Chhattisgarh

... Petitioners**versus**

1. The State Of Chhattisgarh Through Secretary, School Education Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Secretary Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Nagar Palika Parishad Tilda Neora, Through Its Chief Executive Officer, Nagar Palika Parishad, Tilda Neora, District Raipur Chhattisgarh
5. District Education Officer, Raipur, Chhattisgarh.

... Respondents

For Petitioners	:	Mr. Parag Kotecha, Advocate.
For Respondents	:	Mr. Somkant Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/08/2019**

1. The default occurred in the filing of the present writ petition is ignored.
2. Heard the matter finally with the consent of the parties.
3. The grievance of the petitioners in this writ petition is the non-acceptance of the past service rendered by them as Shiksha Karmi Grade-III, Grade-II, Grade-III and Grade-I respectively for the purpose of absorption.
4. The case of the petitioners is that they were initially appointed as Shiksha Karmi Grade-III, Grade-II, Grade-III and Grade-I respectively between the year 2008 to 2010 with the Municipal Corporation, Raipur. Thereafter, they were appointed as Shiksha Karmi Grade-I and Lecturer to Nagariya Nikay between the year 2011-12 and since then they continue to discharge their duties on their

respective post. Two of the petitioners filed two separate writ petitions i.e. WPS No. 607/2018 and 488/2018 and those writ petitions were disposed of on 27.10.2018 and 14.12.2018 respectively, directing the respondents to consider the past service of the petitioners for the purpose of revised pay scale, and in compliance of the directions given by this Court, the respondents passed an order on 8.3.2019 granting the benefit of revised pay scale taking the previous service rendered by them with Municipal Corporation, Raipur.

5. The grievance of the petitioners now is that, though the department has accepted their past services for the purpose of grant of revised pay scale, but when the question of absorption came, their past services are not being considered for want of proper NOC from their previous place of service.

6. The contention of the petitioners is that, once when the department has considered the past service for the purpose of revised pay scale there is no reason why past services could not be counted for the purpose of absorption. It was the further contention of the petitioners that so far as requirement of NOC for the purpose of revised pay scale is concerned the same stood already quashed by this court in WPS No. 2530 of 2017, Mukesh Kumar Patel Vs. State of Chhattisgarh & Others and other connected writ petitions, decided by this court on 28.11.2017.

7. The State Counsel opposing the petition submits that it is a case where the petitioners came into present service by way of participating as a fresh candidate in a fresh recruitment conducted, and therefore, the past services rendered cannot be counted unless the petitioners would have obtained an NOC from the department for appearing/selection in the subsequent recruitment process. He further submits that even the record does not show of the respondents taking a decision that the petitioners are not entitled for the relief that they have sought for and it is also not a case where there is any particular order which is under challenge in this writ petition.

8. Given the aforesaid contentions put forth on either side and on perusal of records, what is an admitted factual position is that the petitioners' past services have been counted by the department for the purpose of grant of revised pay scale. Once when the department accepts the past services for the purpose of revised pay scale, this Court does not find any strong reason why the said period would not be counted for the purpose of absorption as the department itself has accepted the said period as continuous service for the purpose of granting revised pay scale.

9. Under the circumstances, let the respondent No.1 take a fresh decision on the issue and pass an appropriate order at the earliest preferably within a period of 90 days from the date of receipt of copy of this order keeping in view the fact that the department itself has counted the past services of the petitioners for the purpose of revised pay scale.

10. It shall be the responsibility of the petitioners to apprise respondent No.1 so far as the order passed by this court is concerned.

11. The petitioners would also be at liberty to file a fresh representation, if they so want.

12. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/