

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5661 of 2019

1. Dinesh Kumar Chelak S/o Late Shri Sitaram Chelak Aged About 36 Years Working as Assistant Teacher (Panchayat) and Posted at Govt. Primary School Hataud, Block Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through Secretary Department of School Education, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Secretary Department of Panchayat and Rural Development, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh.
3. Block Education Officer Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---Respondents

For Petitioner	:	Shri KP Sahu, Advocate
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.08.2019.

1. The grievance of the petitioner in the present writ petition is the nonacceptance of the past services rendered by the petitioner as Shiksha Karmi Grade-III for the purpose of absorption in the Education Department.
2. The facts of the case is that the petitioner was initially appointed as a Shiksha Karmi Grade-III on 18.07.2008. Subsequently, the petitioner appeared in a fresh selection to the post Shiksha Karmi Grade-III and got appointed w.e.f. 16.09.2013. In the year 2018, the State Government initiated steps for absorbing the teachers working in the Panchayat Department into the services of the Education Department. They took a decision for absorbing all those teachers in the Panchayat Department having 8 years of service. The Department however did not consider the claim of the petitioner on the ground that the petitioner has not completed 8 years of service in the Panchayat Department. According to the

petitioner, since the initial appointment of the petitioner was w.e.f. 18.07.2008 as Shiksha Karmi Grade-III and if 18.07.2008 is accepted as the date of appointment, the petitioner completes 8 years of service making eligible for absorption.

3. According to the petitioner, the Department has counted the services rendered by the petitioner as Shiksha Karmi Grade-III for the purpose of grant of revised pay-scale, which was payable on completion of 8 years of service. However, for the purpose of absorption the previous service rendered by the petitioner as Shiksha Karmi Grade-III is not being counted, which according to the petitioner is bad in law.
4. Once the Department having accepted the past services of the petitioner as Shiksha Karmi Grade-III and has reckoned the said services for the purpose of grant of revised pay-scale, this Court does not find any strong ground available for the respondents to refuse recognizing the past services of the petitioner as Shiksha Karmi Grade-III for any other purpose. If the petitioner has been granted the benefit of revised pay-scale counting the said service, the said services for all other practical purposes also would have to be counted as continuous service.
5. Given the aforesaid facts, let the respondents No. 3 & 4 reconsider the case of the petitioner for absorption by passing an appropriate order. While reconsidering the case of the petitioner, the respondents would also deal with the aspect of the petitioner having received the benefit of a revised pay scale taking into the past service rendered by the petitioner as Shiksha Karmi Grade-III.
6. Let the respondents No.3 & 4 take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
7. It shall be the responsibility of the petitioner to apprise the respondents No.3 & 4, so far as the order passed by this Court is concerned. The petitioner would also be at liberty to file a suitable representation in this regard, if so desired.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge