

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5880 of 2019**

1. Smt. Jyoti Dubey W/o Umesh Dubey Aged About 32 Years Working As Teacher Panchayat, Govt. Middle School Borid, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Jyotsana Tiwari (After Marriagejyotsana Dubey) W/o Sanjay Kumar Dubey Aged About 42 Years Working As Lecturer Panchayat Govt. Higher Secondary, School, Pendrawan, Block Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Smt. Somin Sahu W/o Satendra Kumar Sahu Aged About 39 Years Working As Lecturer Panchayat Govt. Higher Secondary School Kalyanpur, Block Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. Purushottam Lal Dilliwar S/o Loknath Dilliwar Aged About 35 Years Working As Lecturer Panchayat Govt. Higher Secondary School Temri, Block, Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
5. Smt. Chanda Mahajan W/o Sunil Mahajan Aged About 36 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Sondh, Block Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary, Education Department Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Public Instructions, Directorate, Of Education Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Commissioner Cum Director Directorate Of Panchayat, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Exeuctive Officer Jial Panchayat Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
6. Chief Executive Officer Jila Panchayat Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
7. Chief Executive Officer Jila Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
8. District Education Officer Durg, District Durg Chhattisgarh., District : Durg,

Chhattisgarh

9. District Education Officer Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
10. District Education Officer Rajnandgaon District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Harish Khuntiya, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.08.2019

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 Gr.-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:

Petitioners' Name	Date of Initial Appointment	Date of Subsequent Appointment
1	08.02.2008 SK Gr.-3	29.09.2010 SK Gr-1
2	08.08.2005 SK Gr.-3	07.07.2010 SK Gr.-1
3.	09.07.2010 SK Gr.-3	22.09.2011 SK Gr.-1
4.	30.06.2008 SK Gr.-3	13.01.2012 SK Gr.-1

5.	11.10.2008 SK Gr.-3	29.09.2010 SK Gr.-1
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Note: S.K. (Shiksha Karmi)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Shiksha Karmi Gr.-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 Gr.-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 No. 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

Rohit