

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 5644 of 2019

- 1. Smt. Pratima Dehariya W/o Shri Gautam Dehariya Aged About 36 Years Working as Lecturer (Panchayat) And Posted At Govt. High School Barbaspur, Block Manendragarh, District- Korea, Chhattisgarh.
- 2. Har Prasad Rajwade S/o Shri Girdhari Lal Rajwade Aged About 38 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Ramgarh, Block Sonhat, District- Korea, Chhattisgarh.

... Petitioner

Versus

- 1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
- 2. Director, Directorate Of Chhattisgarh, Public Instruction, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
- 3. District Education Officer, Korea, District- Korea, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For State	:	Mr. Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/08/2019

- 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 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 the petitioners and the subsequent appointment and the post against which they were appointed on two occasions are reflected in the chart as produced below:

Name of the petitioners	Date of initial appointment	Second appointment and joining date	Date of subsequent appointment	Joining date
Smt. Pratima Dehariya	1.7.2008 (Shiksha Karmi Grade-II)	4.7.2008	7.6.2012 (Shiksha Karmi Grade-I)	25.7.2012
Har Prasad Rajwade	10.7.2008 (Shiksha Karmi Grade-III)	14.7.2008	30.12.2011 (Shiksha Karmi Grade-I)	12.1.2012

3. For the purpose of grant of revised pay scale, the State Government has taken the past service rendered by the petitioners as Shiksha Karmi Grade-II and Shiksha Karmi Grade-III 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-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. 1 and 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 no. 1 and 2 within a period of 90 days from the date of receipt of certified copy of this order. It shall be the responsibility of the petitioners to apprise the respondents no. 1 and 2 regarding order passed by this Court today. 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

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