

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5803 of 2019**

1. Yogesh Kumar Bharte S/o Sakhi Ram Bharte Aged About 35 Years Working As Lecturer (Panchayat) At Govt. High School Khemda, Block Malkharouda, District Janjgir-Champa Chhattisgarh
2. Gugan Lal Ratre S/o Panchu Ram Aged About 44 Years Working As Lecturer (Panchayat) At Govt. High School Deragarh, Block Sakti, District Janjgir-Champa Chhattisgarh
3. Dharmendra Kumar Painkra S/o Vijay Singh Painkra Aged About 35 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Bandora, Block Malkharouda, District Janjgir-Champa Chhattisgarh
4. Smt. Amita Ekka W/o Pramod Khakha Aged About 35 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Devri, Block Sakti, District Janjgir-Champa Chhattisgarh
5. Dev Kumar Sahu S/o Ramji Lal Sahu Aged About 43 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Aadil, Block Malkharouda, District Janjgir-Champa Chhattisgarh,
6. Smt. Kusum Bai Kurrey W/o Moti Lal Kurrey Aged About 35 Years Working As Teacher (Panchayat) At Govt. Higher Secondary School Kurdi, Block Malkharouda, District Janjgir-Champa Chhattisgarh
7. Smt. Chandni Kiran Bara W/o Vinod Prakash Bara Aged About 36 Years Working As Lecturer (Panchayat) At Govt. High School Pachgawa, Block Akaltara, District Janjgir-Champa Chhattisgarh
8. Deepak Kumar Patel S/o Chhabi Lal Patel Aged About 34 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Singhra, Block Malkharouda, District Janjgir-Champa Chhattisgarh

---- Petitioners

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 Sakti, District Janjgir-Champa Chhattisgarh
5. District Education Officer Janjgir Champa, District Janjgir-Champa Chhattisgarh
6. Chief Executive Officer Zila Panchayat, Janjgir-Champa, District Janjgir-Champa Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Govind Dewangan, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.08.2019

1. The grievance of the petitioners in the present Writ Petition is the non-acceptance of the past service rendered by the petitioners as Teacher (P) and Lecturer by the respondents for the purpose of absorption in the Education Department.

2. The details of the initial appointment of 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	Later appointment
1	21.06.2010 SK Gr.-1	07.07.2011 SK Gr.- 1
2	12.08.2010 SK Gr.-1	07.07.2011 SK Gr.-1
3	16.06.2010 SK Gr.-1	07.07.2011 SK Gr.- 1
4	21.06.2010 SK Gr.-2	07.07.2011 SK Gr.- 1
5	11.01.2011 SK Gr.-1	07.07.2011 SK Gr.- 1
6	16.07.2010 SK Gr.-2	08.07.2011 SK Gr.- 2
7	16.07.2007 SK Gr.-2	07.07.2011 SK Gr.- 1
8	16.07.2010 SK Gr.-2	05.06.2013 SK Gr.-1

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 Teacher (P) and Lecturer (P) 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 Teacher (P) and Lecturer (P) .
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**