

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6485 of 2019

Sanjay Kumar Dubey S/o K. L. Dubey, Aged About 46 Years, Working As Lecturer (Nagriya Nikay) At Govt. Higher Secondary School, Malhar, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, 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, Bilaspur, District Bilaspur, Chhattisgarh
5. Chief Municipal Officer, Nagar Panchayat, Malhar, District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/08/2019

1. The grievance of the petitioner in the instant case in the writ petition is non acceptance of the past services rendered by the petitioner as Shiksha Karmi Grade-III by the respondents for the purpose of absorption in the Education Department.

2. The case of the petitioner is that initially the petitioner was appointed in the Panchayat Department as Shiksha Karmi Grade–III in the year 2007. Subsequently in another recruitment process petitioner again got selected as Lecturer (Nagariy Nikay) on 20.12.2011. After serving there for some time the petitioner again appeared for a fresh recruitment process initiated by the Urban Administration Department and he got selected as Lecturer (Nagri Nikay). According to the petitioner for the purpose of grant of revised pay scale on completion of 8 years of service, the department had counted his two past services that he had rendered under Panchayat Department i.e. the appointment initially made in the year 2010 and subsequently made in the year 2011 and had granted the benefit to the petitioner.
3. Grievance of the petitioner now is that though the department has accepted the past services of the petitioner for the purpose of revised pay scale but for the purpose of the counting total length of service for absorption in the Education Department the past services is not being considered.
4. The reason which has been informed to the petitioner is that the petitioner has not obtained NOC from the Panchayat Department while applying for appointment in Nagri Nikay and another reason for not considering was that there is change in the department of the petitioner for the purpose of counting two services.
5. So far as the non obtaining of NOC is concerned, the said aspect already stands decided by this Court in the case of **Mukesh Patel Vs. State of Chhattisgarh in WPS No. 2530/2017** decided on 28/11/2017 and so far as the change of department is concerned that issue also stands decided by this Court in the case of **Shabnam Khatun Vs. State of Chhattisgarh in WPS No. 6147/2018** and other connected writ petitions decided on 27/10/2018.

6. Given the aforesaid facts and judgments decided by this Court no strong reasons have been made out by the department as to why the services rendered by the petitioner in the Panchayat Department would not be acceptable for the purpose of counting his total length of service so far as the claim for absorption is concerned. Once when the department has already accepted the past services for the purpose of revised pay scale there does not seem to be any good reason for not applying the same analogy for determining the issue of absorption.
7. Given the said facts and circumstances of the case, let petitioner's case be scrutinized by the respondent No. 1 & 2 and an appropriate order be passed deciding as to why the past services of the petitioner cannot be counted for the purpose of absorption, when the department itself has counted the said period for the purpose of grant of revised pay scale.
8. Let appropriate order be passed by the respondents 1 & 2 within a period of 90 days from the date of receipt of copy of this order after thorough verification of the individual details of the petitioner. It shall be the responsibility of the petitioner to apprise respondents 1 & 2 so far as order passed by this Court is concerned. The petitioner would also be at liberty to file fresh representation if he so wants.
9. With the aforesaid directions, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge