

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6541 OF 2019**

1. Devendra Kumar Khunte S/o Sukh Ram Khunte Aged About 38 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Marda, Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
2. Laxminarayan Kathore S/o Shri Mukut Ram Kathore Aged About 30 Years Presently Working As Teacher (Panchayat) At Govt. Middle School, Mohtara, Block Kasdol, District Balodabazar Bhatapara Chhattisgarh.
3. Shailendra Kumar Dadsena S/o Shri Dadoo Ram Dadsena Aged About 32 Years Presently Working As Teacher (Panchayat) At Govt. Middle School, Naya Kharve, Block Kasdol, District Balodabazar Bhatapara Chhattisgarh.
4. Chandrabhushan Mandle S/o Lakhan Lal Mandle Aged About 34 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Suhela, Block Simga, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
5. Smt. Mithlesh Rajput W/o Hemendra Singh Rajput Aged About 36 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Suhela, Block Simga, District Balodabazar Bhatapara Chhattisgarh.
6. Smt. Aparna Roy W/o Amit Roy Aged About 45 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Manohara, Block Simga, District Balodabazar Bhatapara Chhattisgarh.
7. Subhash Kumar Sendre S/o Sukhchain Sendre Aged About 32 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Manohara, Block Simga, District Balodabazar Bhatapara Chhattisgarh.
8. Falguni Kumar Patel S/o Shri Chhabilal Patel Aged About 32 Years Presently Working As Lecturer (Panchayat) At Govt. Rmsa High School, Kushbhantha, Block Kasdol, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
9. Komal Singh Thakur S/o Darshan Sijngh Thakur Aged About 37 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Barpani, Block Kasdol, District Balodabazar Bhatapara Chhattisgarh.
10. Jhal Singh Patel S/o Shri Khemu Patel Aged About 43 Years Presently Working As Teacher (Panchayat) At Govt. Middle School, Manohara, Block Simga, District Balodabazar Bhatapara Chhattisgarh.
11. Smt. Namita Trivedi W/o Shri Sanjay Trivedi Aged About 37 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Kotmi Bhatapara, Block Bhatapara, District Balodabazar Bhatapara Chhattisgarh.
12. Hathina Sidar S/o Pirit Ram Aged About 32 Years Presently Working As Lecturer (Panchayat) At Govt. High School, Kushabhantha, Block Kasdol, District Balodabazar Bhatapara Chhattisgarh.
13. Smt. Varsha Dewangan W/o Yogesh Dewangan Aged About 35 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary

School, Arjuni, Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.

14. Smt. Vibha Mathew W/o Anchal Mathew Aged About 39 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Kosmanda, Block Bhatapara, District Balodabazar Bhatapara Chhattisgarh.
15. Ku. Amrika Dhruv D/o Malik Ram Dhruv Aged About 35 Years Presently Working As Lecturer (Panchayat) At Govt. High School, Sanjari Nawagaon, Block Simga, District Balodabazar Bhatapara Chhattisgarh.
16. Chandra Kumar Banchhor S/o Chiranjiv Lal Banchhor Aged About 48 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Datan (Khaira), Block Palari, District Balodabazar Bhatapara Chhattisgarh.
17. Rakesh Kumar Kaiwartya S/o Shri Ganga Ram Kaiwartya Aged About 40 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Malda, Block Kasdol, District Balodabazar Bhatapara Chhattisgarh.
18. Ganga Ram Paikara S/o Sakhu Ram Paikara Aged About 37 Years Presently Working As Lecturer (Panchayat) At Govt. High School, Karmada, Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
19. Smt. Bamleshwari Dhruw W/o Komal Singh Dhruw Aged About 35 Years Presently Working As Lecturer (Panchayat) At Govt. Middle School, Bharsela (Naya), Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
20. Hem Kumar Nirala S/o Manohar Nirala Aged About 36 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Kohraud, Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
21. Vijay Kumar Lahare S/o Shri Bhurulal Lahare Aged About 39 Years Presently Working As Teacher (Panchayat) At Govt. Middle School, Bharsela Bada, Block Balodabazar, District Balodabazar Bhatapara Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Secretary Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Commissioner Cum Director Directorate of Panchayat, Naya Raipur, District Raipur Chhattisgarh.
4. Chief Executive Officer Zila Panchayat, Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
5. District Education Officer Balodabazar District Balodabazar Bhatapara Chhattisgarh.
6. Block Education Officer Balodabazar, District Balodabazar Bhatapara Chhattisgarh.

7. Block Education Officer Kasdol, District Balodabazar, Bhatapara Chhattisgarh.
8. Block Education Officer Simga, District Balodabazar Bhatapara Chhattisgarh.
9. Block Education Officer Bhatapara, District Balodabazar Bhatapara Chhattisgarh.
10. Block Education Officer Palari, District Balodabazar Bhatapara Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri CJK Rao, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.08.2019

1. The grievance of the petitioners in the present writ petition is the non acceptance of the past service rendered by the petitioners as Assistant Teacher (P), Teacher (P) and Lecturer (P) 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:

Petitioner	Date of initial appointment	Date of subsequent appointment
No.1	12.07.2010, SK-1	13.07.2011, SK-1
No.2	29.09.2007, SK-3	16.07.2011, SK-2
No.3	24.06.2005, SK-3	14.07.2011, SK-2
No.4	14.06.2005, SK-3	20.07.2011, SK-1
No.5	08.06.2010 SK-1	12.07.2011, SK-1
No.6	17.06.2010, SK-2	21.10.2011, SK-1
No.7	05.08.2008, SK-3	16.07.2011 SK-1
No.8	15.06.2010 SK-2	21.02.2013 SK-1
No.9	09.06.2009 SK-2	12.07.2011 SK-1
No.10	12.11.2010 SK-2	22.07.2012 SK-2
No.11	12.07.2010 SK-1	26.02.2013 SK-1
No.12	21.07.2010 SK-2	26.02.2013 SK-1
No.13	03.06.2009 SK-1	13.07.2011 SK-1
No.14	07.11.2005 SK-2	18.07.2011 SK-1
No.15	07.06.2010 SK-3	13.07.2011 SK-1

No.16	08.07.2010 SK-2	29.07.2011 SK-1
No.17	18.08.2008 SK-2	12.07.2011 SK-1
No.18	01.05.2005 SK-3	12.07.2011 SK-1
No.19	14.07.2008 SK-3	25.07.2011 SK-2
No.20	09.11.2005 SK-2	19.10.2011 SK-1
No.21	20.07.2010 SK-3	15.07.2013 SK-2

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Assistant Teacher (P), 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), Assistant 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 No.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 No.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 concerned respondents 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