

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6578 OF 2019**

1. Rajendra Kumar Sahu S/o Hemlal Sahu Aged About 35 Years Presently Working As Lecturer (Nagariya Nikay) At Government Girls Higher Secondary School Dhamtari, District Dhamtari Chhattisgarh.
2. Yogita Kanwar D/o Late Amar Singh Kanwar Aged About 35 Years Presently Working As Lecturer (Nagariya Nikay) At Government Boys Higher Secondary School, Kurud, District Dhamtari Chhattisgarh.

... Petitioners**versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
4. Commissioner - Cum - Director, Directorate Of Panchayat, Naya Raipur, District Raipur Chhattisgarh.
5. Chief Executive Officer, Zila Panchayat, Dhamtari, District Dhamtari Chhattisgarh.
6. Commissioner, Municipal Corporation, Dhamtari, District Dhamtari Chhattisgarh.
7. Chief Municipal Officer, Kurud, District Dhamtari Chhattisgarh.
8. District Education Officer, Dhamtari, District Dhamtari Chhattisgarh.

... Respondents

For Petitioners	:	Mr. C.J.K. Rao, Advocate
For Respondent-State	:	Mr. P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/08/2019**

1. Grievance of the petitioners in the present writ petition is the non-acceptance of the past service rendered by the petitioners as Assistant Teacher (Panchayat) by the respondents for the purpose of absorption in the Education Department.
2. The details of initial appointment of the petitioners as also the subsequent appointment and the post against which they were appointed on two occasions, are reflected in the chart as produced below:

Sl. No.	Petitioners' name	Date of Initial Appointment	Date of Subsequent Appointment
1.	Petitioner No.1 (Rajendra Kumar Sahu)	24.6.2005 (Shiksha Karmi Grade-III)	27.12.2011 (Shiksha Karmi Grade-I)
2.	Petitioner No.2 (Yogita Kanwar)	23.6.2005 (Shiksha Karmi Grade-III)	14.8.2013 (Shiksha Karmi Grade-I)

3. For the purpose of grant of revised pay scale, the State Government has taken the past service of the petitioners rendered as Assistant Teacher (Panchayat) and has granted the benefit of revised pay scale on completion of 8 years of service starting from the time when the petitioners were initially appointed as Assistant Teacher (Panchayat).
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 facts, 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.
7. Let an order be passed in this regard by respondents no. 1 & 2 within a period of 90 days from the date of receipt of copy of this order.
8. It shall be the responsibility of the petitioners to apprise the respondents no. 1 & 2 so far as the order passed by this Court is concerned.
9. The petitioners would be at liberty to file a suitable representation, if they so want, supported with all relevant documents.
10. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge