

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7366 of 2019**

1. Mahesh Kumar Agrawal S/o - Shyam Murli Agrawal, Aged About 43 Years, Presently Working As Lecturer (Nagariya Nikay) At Government Girls Higher Secondary School, Arang, District Raipur, Chhattisgarh
2. Bheemsen Manhare S/o - Sukheeram Manhare, Aged About 42 Years, Presently Working As Lecturer (Nagariya Nikay) At Government Girls Higher Secondary School, Arang, District Raipur, Chhattisgarh
3. Radheshyam Dhruw S/o -Shri Khedu Ram Dhruw, Aged About 37 Years, Presently Working As Lecturer (Nagariya Nikay) At Government Girls Higher Secondary School, Arang, District Raipur, 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. Director, Public Instructions, Directorate, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
6. Chief Executive Officer, Zila Panchayat, Raipur District Raipur

Chhattisgarh

7. Chief Municipal Officer, Municipal Council, Arang, District Raipur
Chhattisgarh

8. District Education Officer, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri C. Jayant K. Rao, Advocate
For State	:	Shri Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.09.2019

1. Counsel for the petitioner undertakes for bringing on record a fresh order dated 21.02.2019 wherein the name of the petitioners are reflected establishing the fact that they have got the benefit of revised pay scale.
2. Let such document be brought on record during the course of the day to cure the default pointed out by the Registry.
3. With the consent of the parties the matter was heard finally at motion stage.
4. The grievance of the petitioners in the present writ petition is the non-acceptance of the past services rendered by the petitioners as Shiksha Karmi Grade – I & III by the respondents for the purpose of absorption in the Education Department.
5. 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:

Petitioners	Date of Initial Appointment	Date of Subsequent Appointment
No.1	02.12.10 (S. K. 1)	04.01.12 (S. K. 1)
No.2	10.11.10 (S. K. 1)	17.07.12 (S. K. 1)
No.3	16.06.05 (S. K. 3)	18.07.12 (S. K. 1)

6. For the purpose of grant of revised pay scale, the State Govt. has taken the past services rendered as Shiksha Karmi Grade – I & III 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 Shiksha Karmi Grade – I & III respectively.
7. 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.
8. 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.
9. 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 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.

- 10.** With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

Khatai