

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6837 of 2019**

1. Baldev Prasad Nayak S/o Shri Khelawan Prasad Nayak Aged About 51 Years Presently Working As Lecturer (Panchayat) At Govt. High School, Adsena, Block Tilda, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Dvarika Prasad Diwan S/o Bati Ram Diwan Aged About 36 Years Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary School, Gullu, Block Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Commissioner Cum Director Directorate Of Panchayat, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Director, Public Instructions, Directorate, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Executive Officer Zila Panchayat, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. District Education Officer Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
7. Block Education Officer Tilda, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
8. Block Education Officer Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. C. Jayant K. Rao , Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/09/2019**

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) 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:

Petitioners' Name	Date of Initial Appointment	Date of Subsequent Appointment
No.1	03.09.07 (S. K. 3)	22.02.13 (S. K. 1)
No.2	23.06.05 (S. K. 3)	21.02.13 (S. K. 1)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Assistant Teacher (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 Assistant Teacher (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 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

Ved