

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6712 of 2019**

1. Pankaj Giri Sharma, S/o Shri Surendra Giri Sharma, Aged About 39 Years, Working As Lecturer (Nagriya Nikay) And Posted At Govt. Higher Secondary School- Bagbahara, District : Mahasamund, Chhattisgarh
2. Smt. Rashmi Sharma, W/o Shri Pankaj Giri Sharma, Aged About 33 Years, Working As Assistant Teacher (Nagriya Nikay) And Posted At Govt. Balak Primary School-Bagbahara, District : Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. The Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer, Mahasamund, District : Mahasamund, Chhattisgarh
4. Chief Municipal Officer, Municipal Council Bagbahara District : Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

11.09.2019

1. The grievance of the petitioners in the instant case in the Writ Petition is non acceptance of the past services rendered by the petitioners as Teacher Panchayat by the respondents for the purpose of absorption in

the Education Department.

2. The case of the petitioners is that initially the petitioners were appointed in the Panchayat Department and subsequently appointed in Nagriya Nikay Department. Details of which is an under:

Name of the Petitioner	Date of Initial Appointment	Second Appointment & Joining Date	Date of Subsequent Appointment	Joining Date
Petitioner 1	10.10.2008 SK Gr-I at Zila Panchayat	21.10.2008	21.12.2011 SK Gr-I	23.12.2011
Petitioner 2	05.05.2006 SK Gr-3 at Janpad Panchayat	05.05.2006	12.12.2011 SK Gr-3 (N.N)	14.12.2011

Note: S.K. (Shiksha Karmi)

3. According to the petitioner for the purpose of grant of revised pay scale on completion of 8 years of service, the department had counted their two past services that they had rendered under Panchayat Department i.e. the appointment initially made in the year 2008, 2006 and subsequently made in the year 2011 and had granted the benefit to the petitioners.
4. Grievance of the petitioners now is that though the department has accepted the past services of the petitioners 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.
5. The reason which has been informed to the petitioners is that the petitioners have 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 petitioners for the purpose of counting two services.

6. 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.
7. 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 petitioners in the Panchayat Department would not be acceptable for the purpose of counting their 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.
8. Given the said facts and circumstances of the case, let petitioners' case be scrutinized by the Respondent No. 1 & 2 and an appropriate order be passed deciding as to why the past services of the petitioners 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.
9. Let an appropriate order be passed by the Respondent No. 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 petitioners. It shall

be the responsibility of the petitioners to apprise Respondent No. 1 & 2 so far as order passed by this Court is concerned. The petitioners would also be at liberty to file fresh representation, if they so want.

10. With the aforesaid directions, the present Writ Petition stands disposed off.

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