

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS NO. 7788 OF 2019**

1. Balmukund Pradhan S/o Thanda Ram Pradhan Aged About 36 Years Presently Working As Lecturer (Panchayat) At Government Higher Secondary School Bonda, Block Baramkela, District Raigarh, Chhattisgarh

---- Petitioner**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, Raigarh, District Raigarh, Chhattisgarh
5. District Education Officer Raigarh, District Raigarh, Chhattisgarh
6. Block Education Officer Baramkela, District Raigarh, Chhattisgarh.

... Respondents

For Petitioner	: Mr. C.J.K. Rao, Advocate.
For State	: Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/09/2019**

1. The grievance of the petitioner in the instant case is limited to the extent of an appropriate direction to the respondents to consider the case of the petitioner for absorption in the light of the circular dated 13.07.2018 issued by the respondents.
2. The contention of the petitioner is that he was initially appointed as Shiksha Karmi Grade-II vide order Annexure P/1 dated 22.06.2010. Subsequently the petitioner applied for grant of NOC for participating in the selection for appointment as a Lecturer (P). The petitioner had applied for grant of NOC which the petitioner obtained on 17.06.2011. Subsequently, the petitioner got appointed as Lecturer

(P) vide order dated 24.02.2012 Annexure P-2. The petitioner's claim for absorption has not been considered by the Department taking his past services into consideration in the absence of there being an NOC.

3. The petitioner therefore at this juncture refers to the directions issued in the circular dated 13.07.2018, whereby it has been accepted by the respondents that the services rendered by the Teachers in the original Department would also be counted if they had made an application for grant of NOC and which was pending while they were selected and appointed on the higher post. The relevant portion of this circular dated 13.07.2018 is reproduced herein under for ready reference:

“1. विभाग द्वारा एन.ओ.सी प्राप्त कर निम्न पद से उच्च पद पर पदस्थ शिक्षक (पं/न.नि) संवर्ग के सेवाकाल की गणना निम्न पद पर कार्यभार ग्रहण दिनांक से की जावेगी।”

4. Given the said clause in the circular dated 13.07.2018, this Court is of the opinion that the case of the petitioner subject to verification of facts needs reconsideration for absorption.
5. Accordingly, the present writ petition stands disposed of with a direction to the respondents 2 to 5 to verify the fact, whether the petitioner had obtained NOC or not, and subject to verification of the aforesaid fact, the case of the petitioner be considered for absorption in the light of the circular dated 13.07.2018 issued by the respondents/State.
6. Let an appropriate decision be taken at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed off.

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

Jyotijha