

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 7858 OF 2019

• Rakesh Kumar Sinha, S/o Brijmohan Lal Sinha, aged about 32 years, working as Teacher Panchayat, Govt. Middle School, Tiriabhat, Block Saja, District Bemetara (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur (CG)
2. Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur (CG)
3. Director, Public Instructions, Directorate of Education, Atal Nagar, Naya Raipur (CG)
4. Commissioner-cum-Director, Directorate of Panchayat, Atal Nagar, Raipur, District Raipur (CG)
5. Chief Executive Officer, Jila Panchayat, Bemetara, District Bemetara (CG)

... Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate.
For Respondent-State	:	Mr. P. Acharya, Panel Lawyer.

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

26/09/2019

1. Grievance of the petitioner in the present writ petition is the non-acceptance of the past service rendered by the petitioner as Shiksha Karmi Grade-III by the respondents for the purpose of absorption in the Education Department.
2. The details of initial appointment of the petitioner as also the subsequent appointment and the post against which he was appointed on two occasions, are reflected in the chart as produced below:

Petitioner's name	Date of Initial Appointment	Date of Subsequent Appointment
Rakesh Kumar Sinha	7.1.2011 (Shiksha Karmi Grade-III)	14.8.2013 (Shiksha Karmi Grade-II)

3. For the purpose of grant of revised pay scale, the State Government has taken the past service of the petitioner rendered as Shiksha Karmi Grade-III and has granted the benefit of revised pay scale on completion of 8 years of service starting from the time when the petitioner was initially appointed as Shiksha Karmi Grade-III.

4. Grievance of the petitioner now is that, though the department has accepted the past service of the petitioner 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 petitioner 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 petitioner be scrutinized by the respondents and an appropriate order be passed as to why the past service of the petitioner 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 the respondents within a period of 90 days from the date of receipt of copy of this order.

8. It shall be the responsibility of the petitioner to apprise the respondents, so far as the order passed by this Court is concerned.

9. The petitioner would be at liberty to file a suitable representation, if he so wants, supported with all relevant documents.

10. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

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