

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7949 of 2019

Umesh Kumar Kushwaha S/o Mohraj Kushwaha Aged About 37 Years Presently Working As Lecturer (Panchayat) At Government Higher Secondary School, Tatapani, Block Balrampur, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, 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, Balrampur - Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5. District Education Officer, Balrampur - Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
6. Block Education Officer, Balrampur, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/09/2019

1. The grievance of the petitioner in the present writ petition is the non-acceptance of the past services rendered by the petitioner as Shiksha Karmi Grade-II for the purpose of absorption in the Education Department.
2. The facts of the case is that the petitioner was initially appointed as a Shiksha Karmi Grade-II on 16.07.2010. Subsequently, the petitioner appeared in a fresh selection to the post Shiksha Karmi Grade-I and got appointed w.e.f. 29.01.2013 as Shiksha Karmi Grade-I onwards. In the year 2018, the State Government initiated steps for absorbing the teachers

working in the Panchayat Department into the services of the Education Department. They took a decision for absorbing all those teachers in the Panchayat Department having 8 years of service. The Department however did not consider the claim of the petitioner on the ground that the petitioner has not completed 8 years of service in the Panchayat Department. According to the petitioner, since the initial appointment of the petitioner was w.e.f. 16.07.2010 as Shiksha Karmi Grade-II and if 16.07.2010 is accepted as the date of appointment, he completes 8 years of service making him eligible for absorption.

3. According to the petitioner, the Department has counted the services rendered by the petitioner as Shiksha Karmi Grade-II for the purpose of grant of revised pay-scale, which was payable on completion of 8 years of service. However, for the purpose of absorption the previous service rendered by the petitioner as Shiksha Karmi Grade-II is not being counted, which according to the petitioner is bad in law.
4. Once the Department having accepted the past services of the petitioner as Shiksha Karmi Grade-II and has reckoned the said services for the purpose of grant of revised pay-scale, this Court does not find any strong ground available for the respondents to refuse recognizing the past services of the petitioner as Shiksha Karmi Grade-II for any other purpose. If the petitioner has been granted the benefit of revised pay-scale counting the said service, the said services for all other practical purposes also would have to be counted as continuous service.
5. Given the aforesaid facts, let the respondents No. 3 to 5 reconsider the case of the petitioner for absorption by passing an appropriate order. While reconsidering the case of the petitioner, the respondents would also deal with the aspect of the petitioner having received the benefit of a revised

pay-scale taking into the past service rendered by the petitioner as Shiksha Karmi Grade-II.

6. Let the respondents No.3 to 5 take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
7. It shall be the responsibility of the petitioner to apprise the respondents No.3 to 5, so far as the order passed by this Court is concerned. The petitioner would also be at liberty to file a suitable representation in this regard, if he so wants.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved