

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7532 of 2018**

1. Rajesh Kumar Teta S/o Shri Puran Singh Teta Aged About 32 Years Assistant Teacher (Panchayat), Presently Working At Government Hr. Sec. School Kotela, Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
2. Vijay Kumar Nayak S/o Shri Gaukaran Lal Nayak Aged About 28 Years Assistant Teacher (Panchayat), Presently Working At Government Primary School Tirkadand, Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
3. Prashant Kumar Dhruwey S/o Shri Sumeri Ram Dhruwey Aged About 33 Years Assistant Teacher (Panchayat), Presently Working At Government High School, Bhilai, Primary School Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
4. Suryakant Daneshkar S/o Shri Narshing Aged About 30 Years Assistant Teacher (Panchayat), Presently Working At Government Primary School Gandagouri , Chiharipara, Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
5. Yugesh Kumar Netam S/o Shri Dursingh Netam Aged About 30 Years Assistant Teacher (Panchayat), Presently Working At Government Primary School Kilipar, Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
6. Laxminarayan Vishwakarma S/o Shri P Vishwakarma Aged About 32 Years Assistant Teacher (Panchayat), Presently Working At Government Primary School Khartha, Block- Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Executive Officer Zila Panchayat, Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat , Charama, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Amit Dubey, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/01/2019**

1. The challenge in these writ petitions is to the order dated 30.06.2018.

2. The facts of the case are that the petitioners substantively are the employees of Panchayat Department governed by the rules framed under the Panchayat Raj Adhiniyam. All the petitioners were initially appointed in the year 2011 on the post of Assistant Teacher (Panchayat). By now they have all completed more than 7 years of service.
3. According to the petitioner, they have become eligible for promotion to the post of Teacher (Panchayat). At this juncture, the respondents have issued the impugned order dated 30.06.2018 whereby it has been held that since the services of the petitioners and the similarly placed persons are likely to be merged/absorbed with the Education Department on completion of 8 years of service, the Panchayat Department has ordered not to initiate any promotion process so far as the Assistant Teachers working in the Panchayat Department are concerned. That they would be considered for promotion after their services get merged/absorbed in the Education Department.
4. Counsel for the petitioners submits that vide impugned order dated 30.06.2018 a situation has arisen where the petitioners neither would be considered for promotion nor would they be considered for grant of Kramonnati which the petitioners were otherwise entitled for, if they are not promoted on their having the minimum requisite length of service. It is the further contention of the petitioners that for Assistant Teachers and Teachers in Panchayat Department, the benefit of Kramonnati is provided on their completion of 7 years of service subject to the petitioners meeting the requirement for promotion to the next higher post. In the instant case, since the promotions have been withheld, the petitioners may at least be granted the benefit of Kramonnati or else they would be put to substantial loss and they would also be losing substantially at the time of absorption of their service with the Education Department.

5. Though the State counsel in the present case has not been filed reply in an identical bunch of writ petition decided by this Court on 12/12/2018 leading of which being WPS No. 5358/2018 the State had filed their reply. Thus, the State would be bound by the reply with they have taken in the previous bunch of writ petitions.
6. State counsel submits that the impugned order has been taken to avoid further complications at the time of absorption of the services of the petitioners with the Education Department. He submits that as per the circular dated 02.11.2011, the minimum length of service period for grant of promotion was 10 years which vide circular dated 17.05.2013 has been modified to 8 years.
7. Be that as it may, once when it is found that the petitioners fulfill all requisite eligibility criteria for promotion and there are also vacancies available in the Department, there is no reason why the petitioners should not be considered for promotion. If as a policy decision the State Govt. has taken a stand for differing the promotion process in the light of the absorption of the services of the petitioners to the Education Department, this Court is of the firm view that for the intervening period, the petitioners should not be deprived of at least their claim for Kramonnati for which provided they are entitled for in accordance with the rules, regulations and procedures as contended by the petitioners.
8. In view of the fact that the bunch of writ petition identically placed having already been disposed of on 12/12/2018 this Court is inclined to dispose off the present writ petition in similar terms with a direction to the respondents to consider the claim of the petitioners for grant of Kramonnati if they are otherwise entitled for the same, as they have taken as a policy decision not to grant promotion to the petitioners as of now. The respondents would consider the case of each of the petitioners

subject to their fulfilling the eligibility criteria required for grant of Kramonnati. Let this exercise be completed within a period of 4 months from the date of receipt of copy of this order. Accordingly, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
Judge

Rohit