

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10115 of 2019**

1. Smt. Geeta Sahu, W/o. Onkar Sahu, Aged About 38 Years, Working As Teacher (L.B.), Govt. Middle School, Nawagaon, Block Abhanpur, District Raipur Chhattisgarh.
2. Shivkumar Chandrakar, S/o. Shri Shankar Lal Chandrakar, Aged About 39 Years, Working As Teacher (L.B.) Govt. Middle School, Kumhari, Block Arang, District Raipur Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Jila Panchayat Raipur, District Raipur, Chhattisgarh.
4. District Education Officer Raipur, District Raipur Chhattisgarh.
5. Block Education Officer Abhanpur, District Raipur Chhattisgarh.
6. Block Education Officer Arang, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Shri Harish Khuntiya, Advocate

For State : Shri Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04.12.2019**

Heard.

1. Learned counsel for the petitioner would submit that the issue involved in the present writ petition has already been considered and decided by this Court in WPS No.1852 of 2019, therefore, the same order may be passed in the present writ petition also.
2. This Court in WPS No.1852 of 2019 on 16.05.2019 has passed the following order:-

“1. The limited prayer which the petitioners have made through the instant Writ Petition is for a direction to the respondents for considering the case of the petitioners for grant of benefit of Kramonnati on completion of 8 years of service.

2. According to the petitioners, they were initially appointed in the year 2005 as Assistant Teacher (Panchayat) under the Panchayat department. Working on the said post, their services have been since absorbed with the Education Department vide order dated 24/08/2018. Having worked continuously with the department now they have completed 8 years of service entitling them for promotion to the post of Teacher Panchayat which the department as of now has been kept in abeyance by the department.

3. The contention of the counsel for the petitioners is that, since the respondents are not considering the claim of the petitioners for promotion as per the rules they would be entitled for the benefit of Time Bound Pay Scale/Kramonnati on their completing 8 years of service. The petitioners also refers to a couple of Writ Petitions disposed off by this Court on 12/12/2018 in WPS No. 5358/2018 and other analogous Writ Petitions wherein also in the case of similarly placed persons, this Court has disposed off the Writ Petition making the following observations:-

“8. 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.

In view of the same and in the light of the submissions made by the counsel for the State in their reply, the writ petitions are disposed of 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.”

4. In view of the fact that in similarly placed Writ Petitions, this Court have already made the aforementioned observations, this Court is of the opinion that the instant

case also being similar and identical on facts, has to be disposed off in similar terms.

5. Accordingly, the instant Writ Petition also stands disposed off in similar terms as passed in the Writ Petition (S) No. 5358/2018 and other analogous Writ Petitions d/on 12/12/2018.
 6. Let the exercise so far as the petitioners are concerned also be concluded within a period of 4 months from the date of receipt of copy of this order.
 7. The Writ Petition accordingly stands disposed off.
3. Learned State counsel do not dispute the same.
4. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case and will have the same effect and operation.

Sd/-
Goutam Bhaduri
Judge