

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 373 of 2020**

1. Harilal Bhuarya S/o Shri Ghasiya Ram Aged About 48 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Boys Higher Secondary School Narayanpur, District Narayanpur, Chhattisgarh.
2. Motiram Nag S/o Shri Rajau Ram Aged About 40 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Boys Higher Secondary School Narayanpur, District Narayanpur, Chhattisgarh.
3. Rikhi Ram Markam S/o Sukau Ram Markam Aged About 39 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Girls Higher Secondary School Narayanpur, District Narayanpur, Chhattisgarh.
4. Shivram Patra S/o Shri Mohan Singh Patra Aged About 33 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Higher Secondary School Singoditarai, District Narayanpur, Chhattisgarh.
5. Sukhnath Dhruw S/o Shri Ratiram Dhruw Aged About 39 Years Working As Teacher (Nagriya Nikay) And Posted At Govt. Middle Secondary School Kumharpara, Narayanpur, District Narayanpur, Chhattisgarh.

**---- Petitioners****Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. The Secretary Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
3. District Education Officer, Narayanpur District Narayanpur, Chhattisgarh.
4. Chief Municipal Officer Nagar Panchayat Narayanpur District Narayanpur, Chhattisgarh.

**---- Respondents**


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For Petitioners : Shri Ajay Shrivastava, Advocate

For Respondents/ State : Shri Neeraj Pradhan, Panel Lawyer

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

**17/01/2020**

Heard.

1. The grievance of the petitioners in the present writ petition is the non-acceptance of the past service rendered by the petitioners as Assistant Teacher (P) by the respondents for the purpose of absorption in the Education Department.
2. The details of the initial appointment of and petitioners and the subsequent appointment and the post against which they were appointed on two occasions are reflected in the chart as produced below:

| Name of Petitioner | Date of Initial appointment | Date of subsequent appointment |
|--------------------|-----------------------------|--------------------------------|
| Petitioner no. 1   | 20.08.2008                  | 01.10.2013                     |
| Petitioner no. 2   | 16.06.2008                  | 20.09.2013                     |
| Petitioner no. 3   | 21.06.2010                  | 18.09.2013                     |
| Petitioner no. 4   | 04.07.2008                  | 16.09.2013                     |
| Petitioner no. 5   | 12.06.2010                  | 16.09.2013                     |

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Assistant Teacher (P) of the petitioners and has granted the benefit of revised pay scale on completion of 8 years service starting from the time when the petitioners were initially appointed as Assistant Teacher (P).
4. The grievance of the petitioners now is that though the Department has accepted the past service of the petitioners 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 petitioners 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 fact, let the case of the petitioners be scrutinized by respondents 1 & 2 and an appropriate order be passed as to why the past service of the petitioners cannot be counted for the purpose of absorption when the Department itself has counted the said period for the purpose of revised pay scale. Let an order be passed by respondents 1 & 2 within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise respondents 1 & 2 so far as the order passed by this Court is concerned. The petitioners would be at liberty to file a suitable representation, if they so want, supported with all relevant documents.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge