

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 3629 OF 2021**

1. Miss Wittrekha Dhruw, D/o Late Mr. Biharilal Dhruw, aged about 29 years, Post Lecturer (Local Body), Posted at Government Girls Higher Secondary School, Sarona, Block Narharpur, District Uttar Baster Kanker, Chhattisgarh.
2. Mrs. Jagriti Sahu, W/o Mr. Dikendra Kumar Sahu, aged about 30 years, Post Lecturer (Local Body), Posted at Government Higher Secondary School Devgaon, Block Narharpur, District Uttar Baster Kanker, Chhattisgarh.
3. Mrs. Sarita Pandey, W/o Mr. Umesh Kumar Pandey, aged about 30 years, Post Lecturer (Local Body), Posted at Government Higher Secondary School Chandeli, Block Charma, District Uttar Baster Kanker, Chhattisgarh.

... Petitioners**versus**

1. State of Chhattisgarh, through its Secretary, Panchayat and Rural Department, Mantralaya, Naya Raipur, District Raipur (CG)
2. Commissioner cum Director Panchayat, Sanchanalaya, Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, District U.B. Kanker, Chhattisgarh.

... Respondents

For Petitioners	:	Mr. Parag Kotecha, Advocate.
For Respondents No.1 & 2:		Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/07/2021**

1. The defaults in the instant case pointed out by the Registry of this Court stand ignored.
2. With the consent of learned Counsels for the parties, heard the matter finally at admission stage itself.
3. The main grievance of Petitioners is the non-granting of higher pay-scale in terms of Circular dated 17.5.2013 upon completion of 8 years of service.
4. Learned Counsel for Petitioners submits that the initial appointment of Petitioners was on the post of Assistant Teacher, however, in a subsequent recruitment that was conducted by Respondents, after obtaining due "No Objection Certificate" from the competent Authority, the Petitioners had participated therein and were appointed to the post of Lecturer in the year 2017.
5. Learned Counsel for Petitioners further submits that since the services of Petitioners on the post of Lecturer were after obtaining due "No Objection Certificate" from the competent Authority under the previous employer which

happens to be the same Department, the Petitioners would be entitled for the benefits in terms of Circular dated 17.5.2013.

6. It was further submitted by learned Counsel for Petitioners that this Court in WPS No. 2530/2017 [Mukesh Kumar Patel & Anr. Vs. State of Chhattisgarh & Ors.] decided on 28.11.2017, has already held that even if the concerned employee has not obtained the "No Objection Certificate", even then his past services have to be counted for the purpose of grant of higher pay scale on completion of 8 years of service and the previous services rendered should also be counted for the purpose of computation of total length of service.

7. The fact that the Petitioners have obtained the "No Objection Certificate" and whether the case of Petitioners is covered by Circular dated 17.5.2013 and whether the Petitioners fulfill other eligibility criteria required for grant of higher pay scale, are all matters of enquiry and verification.

8. Given the said facts, subject to verification of the entitlement of Petitioners, the present Writ Petition at this juncture is disposed of directing the Respondents No.2 & 3 to immediately process the claim of Petitioners as regards the grant of higher pay scale on completion of 8 years of service, after counting the past services rendered by them on the post of Assistant Teacher also.

9. Let a decision in this regard be taken by Respondents No.2 & 3 at the earliest, preferably within a period of 90 days from the date of receipt of copy of this Order.

10. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

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