

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 5104 OF 2020**

1. Kanhaiya Lal Badhai S/o Shri Siya Ram Badhai Aged About 48 Years Pesa- Vyakhyata L.B., Shaskiya Kanya Ucchattar Madhyamik Vidyalay Sarona Niwasi- Gram Sarona Vikaskhand Narharpur, Jila- Uttar Bastar Kanker (CG)
2. Smt. Manorama Badhai W/o Shri Kanhaiya Lal Badhai, Aged 48 Years Pesa- Vyakhyata L.B., Shaskiya Kanya Ucchattar Madhyamik Vidyalay Sarona, Niwasi Gram Sarona Vikaskhand Narharpur, Jila-Uttar Bastar Kanker (CG)
3. Moharlal Mandavi S/o Late Shri Chandan Singh Mandavi Aged About 47 Years Pesa- Vyakhyata L.B., Shaskiya Highschool Dabena, Niwasi- Gram Dabena, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
4. Paran Singh Vatti S/o Shri Sukh Ram Vatti Aged About 47 Years Pesa- Vyakhyata L.B., Shaskiya Ucchattar Madhyamik Vidyalay Sarvandi, Niwasi- Gram Sarvandi Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
5. Rajendra Kumar Netam S/o Shri Chandan Singh Netam, Aged 48 Years Pesa- Vyakhyata L.B., Shaskiya Balak Ucchattar Madhyamik Vidyalay Sarona Niwasi- Gram Sarona Vikaskhand Narharpur, Jila- Uttar Bastar Kanker (CG)
6. Sapot Ram Netam S/o Shri Nathuram Netam Aged About 48 Years Pesa- Vyakhyata L.B., Shaskiya Ucchattar Madhyamik Vidyalay Thema, Niwasi- Gram Thema Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
7. Shashwat Kumar Sahu S/o Shri Chaituram Sahu Aged About 48 Years Pesa- Vyakhyata L.B., Shaskiya Highschool Khardha, Niwasi- Gram Khardha, Vikaskhand Charama, Jila- Uttar Bastar Kanker, Chhattisgarh
8. Smt. Rashmi Sarwa W/o Shri Pilu Ram Sarwa Aged About 48 Years Pesa- Shikshak L.B., Shaskiya Poorva-Madhyamik Vidyalay Dongaripara Choriya Niwasi- Gram Dongaripara-Choriya, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
9. Pilu Ram Sarwa S/o Shri Ram Dayal Sarwa Aged About 47 Years Pesa- Shikshak L.B., Shaskiya Poorva-Madhyamik Vidyalay Rawas Niwasi- Gram Rawas, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
10. Baidhraj Otti S/o Shri Govindram Otti, Aged About 47 Years Pesa- Sahayak Shikshak L.B., Shaskiya Prathmik Vidyalay Chiharipara Pendaravan, Niwasi- Gram Chiharipara Pendaravan, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker,
11. Shri Shriram Markam S/o Late Shri Chhotasingh Markam Aged About 54 Years Pesa- Sahayak Shikshak L.B., Shaskiya Prathmik Vidyalay Devari Balaji, Niwasi- Gram Devaribalaji, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker (CG)
12. Audesh Kumar Batti S/o Shri Bir Singh Batti Aged About 43 Years Pesa- Sahayak Shikshak L.B., Shaskiya Prathmik Vidyalay Bhainsmundi-Gagaru, Niwasi- Gram Bhainsmundi-Gagaru, Vikaskhand Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh

... Petitioners**versus**

1. State of Chhattisgarh, through Secretary, School Shiksha Vibhag, Mantralaya Mahanadi Bhawan Naya Raipur, Chhattisgarh
2. Sachiv Panchayat, Gramin Vikas Avam Shram Vibhag, Mantralaya Naya Raipur, Chhattisgarh
3. Mukhya Karyapalan Adhikari Jila Panchayat Uttar Bastar Kanker Jila Uttar Bastar Kanker, Chhattisgarh
4. Jila Shiksha Adhikari, Kanker Jila- Uttar Bastar Kanker, Chhattisgarh
5. Mukhya Karyapalan Adhikari, Janpad Panchayat Kanker, Jila- Uttar Bastar Kanker, Chhattisgarh
6. Khand Shiksha Adhikari, Vikaskhand, Narharpur, Jila- Uttar Bastar Kanker, Chhattisgarh
7. Khand Shiksha Adhikari Vikaskhand, Charama, Jila Uttar Bastar Kanker (CG)

... Respondents

For Petitioners	:	Mr. Abdul Wahab Khan, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/01/2021

1. Learned Counsel for Petitioners submits that the Petitioners have filed an application that they were working prior to 1998 in the Panchayat Department and they were subsequently absorbed in the Education Department. It is contended by learned Counsel for Petitioners that the Petitioners raised a grievance that the amount was being deducted under the National Pension Scheme (N.P.S.) from the salary and the N.P.S. has been implemented from 01.01.2004, whereas the Petitioners have been appointed in the year 1998; therefore, the deduction under the N.P.S. cannot be made from their salary. It is further contended by him that the Petitioners have made an application that the deduction may not be made under the N.P.S. and they should be allowed to give privilege which was given earlier. He next contended that the Petitioners have made an application to the District Education Officer, which may be directed to be decided.
2. At this stage, since a limited prayer is made, the Petitioners are given liberty to make a fresh representation redressing all the averments to Respondent No.4 within a period of four weeks, which shall be decided within a further period of ninety days from the date of receipt of the representation.
3. It is made clear that this Court has not made any observation on the merits of the case.
4. With the aforesaid, the Writ Petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

/sharad/