

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5273 of 2020**

1. Shailesh Kumar Sen S/o Mr. Mohan Lal Sen, Aged About 38 Years
Occupation Lecturer (Local Body), Posted At Govt. High School,
Chakarvay, Block Nawagarh, District Bemetara, Chhattisgarh
2. Neelkanth Dheewar S/o Late Mr. Dadu Ram Dheewar, Aged About
38 Years, Occupation Lecturer (Local Body), Posted At Govt. Higher
Secondary Gadadih, Block Saja District Bemetara, Chhattisgarh
3. Ramesh Kumar Patel S/o Late Mr. Radhe Lal Patel, Aged About 37
Years Occupation Lecturer (Local Body), Posted At Govt. Higher
Secondary Gadadih, Block Saja, District Bemetara, Chhattisgarh
4. Suraj Kumar Dewangan S/o Mr. Kartik Ram Dewangan, Aged About
41 Years By Occupation Teacher (Local Body), Posted At Govt.
Upper Primary School, Gudheli, Block Berla, District Bemetara
Chhattisgarh
5. Mrs. Kalpana Shukla W/o Mr. Amit Kumar Shukla, Aged About 38
Years By Occupation Lecturer (Local Body), Posted At Govt. Higher
Secondary School Bori, Block Dhamdha, District Durg Chhattisgarh
6. Likhan Lal Bhuarya S/o Mr. Balmukund Bhuarya, Aged About 37
Years, By Occupation Teacher (Local Body), Posted At Govt. Upper
Primary School Bori, Block Dhamdha, District Durg, Chhattisgarh
7. Mrs. Pratibha Pandey W/o Mr. Anand Kumar Pandey, Aged About 38
Years By Occupation Teacher (Local Body), Posted At Govt. Upper
Primary School Deori, Block Dhamdha, District Durg, Chhattisgarh
8. Om Prakash Sahu S/o Mr. Latmar Sahu, Aged About 35 Years By
Occupation Teacher (Local Body), Posted At Govt. Upper Primary
School Nagpura, Block Durg, District Durg, Chhattisgarh
9. Harish Kumar Dewangan S/o Mr. Kanhaiya Lal Dewangan, Aged

About 39 Years, Occupation Teacher (Local Body), Posted At Govt. Upper Primary School Lawatara, Block Berla, District Bemetara Chhattisgarh

---- Petitioners

Versus

1. The State Of Chhattisgarh Through Secretary, School Education Department Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
2. Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Director, Panchayat And Rural Development, Department, Sanchanalaya, Naya Raipur, District Raipur, Chhattisgarh
4. District Education Officer, District Bemetara, Chhattisgarh
5. District Education Officer, District Durg, Chhattisgarh
6. Chief Executive Officer, Jila Panchayat, District Bemetara Chhattisgarh
7. Chief Executive Officer, Jila Panchayat, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

15.01.2021

1. The grievance of the petitioners in this writ petition is the non

acceptance of the past services rendered by the petitioners for the purpose of absorption.

2. The case of the petitioners is that they were initially appointed on different grade of Shiksha Karmi i.e. Shiksha Karmi Grade-III, II & I. Subsequently, the petitioners on being selected on the post of Shiksha Karmi Grade-I they joined their duty as Shiksha Karmi Grade-I and are still continuing to discharge their duties as Shiksha Karmi Grade-I. All the petitioners have also preferred writ petitions for counting their past services for the purpose of revised pay scale which has been accepted by the Respondents and pursuant to which, the petitioners have also granted the benefit of higher pay scale vide Annexure P-1.
3. The grievance of the petitioners now is that, though the department has accepted the past services of the petitioners for the purpose of grant of revised pay scale, but when the question of absorption came, the past services of the petitioner are not being considered for want of proper NOC from the previous place of service of the petitioners.
4. The contention of the petitioners is that, once when the department has considered the past services for the purpose of revised pay scale, there is no reason why past services could not be counted for the purpose of absorption. It was further contention of the petitioners that so far as requirement of NOC for the purpose of revised pay scale is concerned, the same stood already quashed by this Court in WPS No. 2530 of 2017, Mukesh Kumar Patel Vs. State of Chhattisgarh & Others and other connected writ petitions, decided by

this Court on 28.11.2017.

5. The State counsel opposing the petition submits that it is a case where the petitioners came into present service by way of participating as a fresh candidate in a fresh recruitment conducted, and therefore, the past services rendered cannot be counted unless the petitioners would have obtained NOC from the department for appearing/selection in the subsequent recruitment process. He further submits that even the record does not show of the respondents taking a decision that the petitioners are not entitled for the relief that they have sought for and it is also not a case where there is any particular order which is under challenge in this writ petition.
6. Given the aforesaid contentions put forth on either side and on perusal of records, what is an admitted factual position is that the petitioners' past services have been counted by the department for the purpose of grant of revised pay scale. Once when the department accepts the past services for the purpose of revised pay scale, this Court does not find any strong reason why the said period would not be counted for the purpose of absorption as the department itself has accepted the said period as continuous service for the purpose of granting revised pay scale.
7. Under the circumstances, let the respondent No.1 take a fresh decision on the issue and pass an appropriate order at the earliest preferably within a period of 90 days from the date of receipt of copy of this order keeping in view the fact that the department itself has

counted the past services of the petitioners for the purpose of revised pay scale.

8. It shall be the responsibility of the petitioners to apprise respondent No.1 so far as the order passed by this court is concerned. The petitioners would also be at liberty to file a fresh representation, if they so want.
9. The Writ Petition accordingly stands disposed off.

**Sd/-
P. Sam Koshy
Judge**