

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.6395 of 2021

Hemchand Bhandari, S/o Late Shri Gajratan Bhandari, Aged about 61 years, Occupation, Sahayak Shikshak L.B. Govt. Primary School Chaidoliya Sankul Borsi, Block Pamgarh, R/o Village Kosa, Block Pamgarh, District Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
2. Secretary, Panchayat, Gramin Vikash Avam Shram Vibhag, Mantralaya, Naya Raipur (C.G.)
3. Mukhya Karyapalan Adhikari, District Panchayat Janjgir-Champa, District Janjgir-Champa (C.G.)
4. Mukhya Karyapalan Adhikari, Janpad Panchayat Pamgarh, District Janjgir-Champa (C.G.)
5. District Education Officer, District Janjgir-Champa (C.G.)
6. Block Education Officer, Block Pamgarh, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner: Mr. Abdul Wahab Khan, Advocate.

For Respondents No.1, 2, 5 and 6 / State: -

Mr. Amit Buxy, Panel Lawyer, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/11/2021

1. Learned counsel for the parties would submit that the issue involved in this writ petition is covered by the decision of this Court in the matter of **Rajkumar Kurre and others v. State of Chhattisgarh and others**¹ in which this Court has held as under: -

“1. Learned counsel for the petitioners submits that the petitioners have filed an application that they were working

1 W.P.(S)No.4371/2020, decided on 5-11-2020

prior to 1998 in the Panchayat Department and they were subsequently absorbed in Education Department. It is contended that the petitioners raised grievance that the amount was being deduced under 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 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. It is further 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 limited prayer is made, the petitioners are given liberty to make a fresh representation redressing all the averments to the respondent No.4 within a period of 4 weeks, which shall be decided within a further period of 90 days from the date of receipt of the representation. It is observed that this Court has not made any observation on the merit of this case.”

2. This writ petition is disposed of in terms of the order passed by this Court in Rajkumar Kurre (supra) granting liberty to the petitioner herein to make a fresh representation raising all the grievances to respondent No.5 herein within a period of 4 weeks from today, which shall be considered and decided within a further period of 90 days from the date of receipt of the representation. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge