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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 6222 of 2014

Single Bench

PETITIONER:

Rishi Kumar Chandra, S/o- Shri Brijbhushan Chandra, Aged about 45 year, R/o- Village- Hasaod, Tahsil & Thana- Hasaod, District- Janjgir-Champa (C.G). Presently Posted as Lecturer Panchayat, Siksha Karmi- I, Government Higher Secondary School, Parsadih, District- Janjgir-Champa (C.G).

P.N. 22
Presented by Sri Sanjeep Singh
dated 25.11.14

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through its Secretary Panchayat and Rural Development Department, Mantralaya, Mahandi Bhawan, Naya Raipur, Raipur (C.G.)
2. Chief Executive Officer, Zila Panchayat, District-Janjgir-Champa(C.G.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-





28/11/14

29

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक... W.P. No. 6222/सन् 2014

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>S.B.: HON'BLE SHRI JUSTICE PRITINKER DIWAKER</u> <u>28.11.2014</u></p> <p>Shri Mateen Siddiqui, counsel for the petitioner. Shri Majid Ali, P.L. for the State.</p> <p>The petitioner who was appointed as Shiksha Karmi Grade-II is claiming the benefit of <i>Kramonnati</i>. He has also challenged the circular dated 4.12.13 (Annexure P-1) wherein a decision has been taken not to grant benefit of <i>Kramonnati</i> to the petitioners and similarly placed persons. He however submits that the case of the petitioner is squarely covered by the order passed in W.P.(S) No. 106 of 2014 decided on 26.09.2014 and other identical writ petitions decided on 31.10.2014. According to the petitioner's counsel, the present petition may also be disposed of in terms of order passed in W.P.(S) Nos. 106 of 2014 and 4948 of 2014.</p> <p>Counsel for the petitioner fairly submits that the case of the petitioner is squarely covered by the order passed in W.P.(S) No. 106 of 2014 decided on 26.09.2014 and other identical writ petitions decided on 31.10.2014. According to the petitioner's counsel, the</p>	

मामला क्रमांक.....सन् 201

आदेश पत्रक (पूर्वनिबद्ध)

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	<p>present petition may also be disposed of in terms of order passed in W.P.(S) Nos. 106 of 2014 and 4948 of 2014.</p> <p>The concluding portion of the order dated 31.10.2014 passed in the above mentioned cases reads as under:</p> <ul style="list-style-type: none"> Teacher (Panchayat) cadre initially appointed as Assistant Teacher (Panchayat), but later on joined as Teacher (Panchayat) as a fresh recruitee are not entitled for counting their length of service on the lower post for the purpose of revision of pay scale pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014. Teacher (Panchayat) cadre are only entitled for pay scale similar to the Government Teachers. Teacher (Panchayat) cadre are entitled to Dearness Allowance only, they are not entitled for any other allowances like House Rent Allowance, Medical, Stagnation, etc. The revision of pay scales of Teacher 	

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	<p>(Panchayat) cadre pursuant to the order dated 17-5-2013 read with the orders dated 4-12-2013 & 22-1-2014 will be on the basis of the pay scale of the post held by them. Such revision is not to be made on the basis of Kramonnati Vetanman or Samayman Vetanman.</p> <ul style="list-style-type: none"> • Recovery of excess amount paid to the Teacher (Panchayat) on account of wrong fixation of pay scale or wrong payment of allowances does not suffer from any infirmity. Challenge to the recovery of amount paid in excess is rejected. • The respondent/ Panchayat, Rural Development and Labour, Government of Chhattisgarh shall direct all the Zila Panchayats/ Janpad Panchayats and Drawing & Disbursing Officers working therein to apply the Government instructions uniformly, as different application by giving different interpretation to the Government orders have generated confusion and discrepancy giving rise to unnecessary litigations and loss to the exchequer. 	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 201

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<ul style="list-style-type: none"> The State Government shall circulate copy of this order to all the Zila Panchayats & Janpad Panchayats for implementation. Henceforth, if any monetary benefit will be paid to any Teacher (Panchayat) cadre, for which he is not entitled, the same shall be recoverable from the concerned Chief Executive Officer of the Zila Panchayat/ Janpad Panchayat who has wrongly granted the benefit." <p>Accordingly, acting upon the submissions made by the learned counsel for the parties made at bar, this writ petition is disposed of in terms of conclusion arrived at by the co-ordinate Bench of this Court in WP(S) No. 106/2014 (Marisha Shrivastava's v. State of CG and another) referred to above, subject to verification of facts. No order as to cost.</p>	<p>Sd/- Pritinker Diwaker Judge</p>