
(2019) 08 CHH CK 0068

Chhattisgarh High Court

Case No: Writ Petition (S) No. 2219 Of 2019

Jagat Ram Ware

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 9, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Parag Kotecha, Sunita Jain, Vidya Bhushan Soni, R.S. Baghel

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Grievance of the petitioner in the present writ petition is the non- acceptance of the past service rendered by him as Shiksha Karmi Grade-III under the Panchayat Department for the purpose of absorption.

2. The case of the petitioner is that he was initially appointed as Shiksha Karmi Grade-III vide order dated 15.6.2010 under the Panchayat Department

i.e. respondent no.3 herein. Thereafter, the petitioner after obtaining NOC appeared in the selection process for the post of Lecturer (Panchayat) and

got selected vide order dated 29.1.2011 and has been appointed on the said post and continues to work on the said post till date.

3. Grievance of the petitioner now is that, if the initial date of appointment of 15.6.2010 is taken note of the petitioner completes 8 years of service on

14.6.2018 and therefore in terms of the circular of the State Government, dated 30.6.2018, the petitioner would be entitled for absorption, which in the

instant case is not being given effect to so far as the petitioner is concerned.

4. Counsel for the petitioner refers to the circular of the State Government, dated 13.7.2018, which is the clarificatory circular to the original circular dated 30.6.2018, wherein it has been specifically held by the State Government that the persons who were working on the lower post after obtaining NOC have appeared and got selected on the higher post, their earlier service rendered on the lower post shall be counted for the purpose of absorption. According to the petitioner, invoking the said circular, as clarified on 13.7.2018, the petitioner's case is liable to be considered for absorption.

5. Given the aforesaid facts and the circular dated 30.6.2018 modified on 13.7.2018, the respondents no. 1 and 3 are directed to immediately process the case of the petitioner in accordance with the aforesaid circulars and take an appropriate decision at the earliest preferably within a period of three months from the date of receipt of the copy of this order.

6. It shall be the responsibility of the petitioner to apprise the respondents so far as the order passed by this court is concerned.

7. The petitioner would also be at liberty to file a fresh representation, if he so wants.

8. The Writ Petition accordingly stands disposed of.