



2026:CGHC:26288

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8268 of 2022

1 - Dinesh Tati S/o Late Bondku Ram Tati Aged About 31 Years Working As Lab Attendant (Pathology In Blood Bank) At Dean Late Baliram Kashyap Govt. Medical College Dimarapal Jagdalpur District Bastar (Jagdalpur Chhattisgarh)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh

2 - Director Medical Education, Old Nursing College, Behind Old D.K.S. Hospital, Raipur, District Raipur Chhattisgarh

3 - The Dean Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District Bastar (Jagdalpur) Chhattisgarh

--- **Respondent(s)**

WPS No. 8296 of 2022

1 - Bhola Prasad Nage S/o Parsu Ram Naga, Aged About 43 Years Working As Lab Attendant (Forensic Medicine) At Dean Late Baliram Kashyap Govt. Medical College Dimarapal Jagdalpur C.G. Pin 494001

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.

2 - Director, Medical Education, Old Nursing College, Behind Old D.K.S. Hospital, Raipur District Raipur Chhattisgarh.

3 - The Dean, Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal Jagdalpur, District Bastar Chhattisgarh.

--- Respondent(s)

WPS No. 8309 of 2022

1 - Sumani Kashyap W/o Shri Sudru Ram Kashyap Aged About 29 Years Working As Lab Attendant (Microbiology) At Dean Late Baliram Kashyap Government Medical College Dimarapal Jagdalpur, Chhattisgarh Pin 494001.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District : Raipur, Chhattisgarh

2 - Director Medical Education, Old Nursing College, Behind Old D.K.S. Hospital, Raipur, District : Raipur, Chhattisgarh

3 - The Dean Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

--- Respondent(s)

WPS No. 8302 of 2022

1 - Mayaram Markam S/o Late Dhaniram Markam Aged About 36 Years Working As Lab Attendant(Pathology) At Dean Late Baliram Kashyap Govt. Medical College Dimarapal Jagdalpur (C.G.) Pin 494001

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur (C.G.)

2 - Director Medical Education, Old Nursing College, Behind Old D.K.S. Hospital, Raipur, District Raipur (C.G.)

3 - The Dean Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District Bastar (C.G.)

--- Respondent(s)

WPS No. 8288 of 2022

1 - Suraj Mourya S/o Late Baldev Mourya Aged About 28 Years Working As Lab Attendant (Pathology) At Dean Late Baliram Kashyap Govt. Medical College Dimarapal Jagdalpur C.G. Pin-494001

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.

2 - Director, Medical Education, Old Nursing College, Behind Old D.K.S. Hospital, Raipur, District Raipur Chhattisgarh.

3 - The Dean, Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District Bastar Chhattisgarh.

--- Respondent(s)

For Petitioner/s	:	Shri Vinod Kumar Deshmukh, Advocate.
For Respondent/ State	:	Shri Anmol Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

29.6.2026

1) The petitioners have filed this petition seeking the following reliefs:

“1. This Hon'ble Court be pleased to call for the entire records i.e. in respect of in fixation of pay scale as well as the order dated 26.08.2020 and order dated 11.02.2008 relied upon by the respondent no 3 in the impugned order dated 19.10.2020 for perusal of this Hon'ble Court.

2. This Hon'ble Court be pleased to quash/ set aside the order dated 19.10.2020 as well as orders relied upon by the respondent no 3 in the impugned order dated 19.10.2020 (Annexure P/1) issued by the respondent no. 3 and further direct the respondents to not recover the amount which has already paid to the petitioner.

3. This Hon'ble Court be pleased to further direct the respondents authority to pay the regular salary on the basis of pay scale of Rs 5200-20200 grade pay 1800 with granting annual increment as per term and condition of the appointment order dated 27.02.2015 as well as per confirmation order dated 03.06.2017 at per with the post of Library Attendant.

4. This Hon'ble Court be pleased to further direct the respondents authority to refund the entire amount which has already be recovered from the monthly salary of the petitioner with interest.

5. This Hon'ble Court be pleased to hold that the action on the part of respondent 3 in reducing the pay scale as well as order of recovery issued by him is illegal and unconstitutional and violating the fundamental rights of the petitioner as granted in the Constitution of India.

6. Any other relief as deemed fit by this Hon'ble Court.”

2) Learned counsel for the petitioners would submit that the petitioners belong to the Scheduled Tribe Category and had participated in the selection process for the post of Lab Attendant conducted in the year 2014. He would submit that an advertisement dated 1.5.2014 was issued for direct recruitment to six posts of Lab Attendant for the Bastar Division, carrying a pay-scale was Rs.4750-7440 grade pay of Rs.1800. He would submit that the petitioners were appointed in the pay-scale of Rs.5200-20200 grade pay of Rs.1800 vide order dated 27.2.2015. It is argued that the services of the petitioners were confirmed vide order dated 3.6.2017 and thereafter, respondent No.3 issued an order of recovery against the petitioners on 19.10.2020 and reduced the pay-scale of the petitioners from 5200-20200 to 4750-7440 with grade pay of Rs.1800. He would submit that according to the Chhattisgarh Revision of Pay Rules, 2009, the grade pay of Lab Attendant was Rs.1800 and the pay-scale was 5200-20200 and the said pay-scale was rightly granted to the petitioners by the Appointing Authority. He would submit that the impugned decision has been taken contrary to the Chhattisgarh Revision of Pay Rules, 2009, which prescribe the pay-scale of 5200-20200 with grade pay of Rs.1800 for the post of Lab Attendant. He would contend that the order of recovery is also illegal, as the petitioners were rightly granted the said pay-scale and there was no misrepresentation or fraud on their part. He would pray to allow these petitions.

- 3) On the other hand, learned counsel appearing for the State would oppose the submissions made by counsel for the petitioners. He would submit that the pay-scale for the post of Lab Attendant as reflected in advertisement was Rs.4750-7440; however, due to an inadvertent mistake, the petitioners were granted the pay-scale of 5200-20200 with grade pay of Rs.1800. When the said mistake came to the notice of respondent No.3, an order of recovery dated 19.10.2020 was issued, and the pay-scale of the petitioners was reduced to Rs.4750-7440 with grade pay of Rs.1800. He would submit that these petitions deserve to be dismissed.
- 4) I have heard learned counsel for the parties and perused the documents placed on record.
- 5) A perusal of Schedule-I of the Chhattisgarh Revision of Pay Rules, 2009 would show that the existing pay-scale of Rs.2750-70-3800-75-4400 was revised to Rs.5200-20200. The basic pay-scale of Lab Attendant prior to revision was Rs.2750-4400, and the same was revised to 5200-20200 under the Revision of Pay Rules, 2009. In the advertisement, there appears to have been an error; therefore, the petitioners were granted the pay-scale of Rs.5200-20200 in their appointment orders, and the same continued till 19.10.2020. In their return, the respondents have not placed on record any material documents to demonstrate that the pay-scale of a Lab Attendant was Rs.4750-7440 with grade pay of Rs.1800 whereas, the petitioners have specifically pleaded that according to the Revision of Pay Rules, 2009 the basic pay-

scale of the post of Lab Attendant was revised to Rs.5200-20200. It is also apparent from the pleadings in the writ petition and the return that there was no misrepresentation or fraud on the part of the petitioners and the benefit of the pay-scale of 5200-20200 was extended to them by the department itself. Therefore, the order of recovery is not sustainable in the eyes of law.

- 6) Having considered the above-discussed facts, particularly, the Revision of Pay Rules, 2009, this Court is of the opinion that the petitioners, being Lab Attendants, are entitled to the pay-scale of Rs.5200-20200 with grade pay of Rs.1800. Accordingly, the order dated 19.10.2020 directing recovery and withdrawal of the said pay-scale is hereby quashed. The amount recovered from the petitioners shall be refunded forthwith.
- 7) Accordingly, these petitions are disposed of. The interim orders granted earlier are hereby vacated.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Nimmi