

Single Bench

(4)

**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR**

W.P. (S) No. 4398 OF 2013

PETITIONER

:-

Ishwari Prasad Tikariha s/o late
Shri Sitaram Tikariya, aged about
60 years, R/o Shikshak Nagar,
Municipal Quarter No.E-2, ward
No. 7, Police Station Durg, Civil &
Revenue District Durg (C.G.)

11398/12
Presented by Shri. Navin Prasad
dated 19/12/13

VERSUS

RESPONDENTS

:-

1. State of Chhattisgarh, through
Secretary, Department of Urban
Administration, Mahanadi
Bhavan, Mantralaya, New Raipur,
District Raipur (C.G.).
2. Municipal Corporation, Durg,
Through Commissioner, District
Durg (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

**HIGH COURT OF CHHATTISGARH : BILASPUR****W.P. (S) No.4398 of 2013****PETITIONER**Ishwari Prasad Tikariha
Versus**RESPONDENTS**

State of Chhattisgarh & another

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri Manish Upadhyay, counsel for the petitioner.
Shri Y.S. Thakur, Deputy Advocate General for the State.

ORAL ORDER(Passed on this 1st day of January, 2014)

Heard learned counsel for the parties.

1. Learned counsel for the petitioner would submit that the subject matter of the writ petition is squarely covered by an order passed by this Court on 06.07.2005 in W.P. No.2038 of 2000 (*Ishwari Prasad Sharma v. Municipal Corporation, Durg & others*). He would submit that claiming parity, the petitioner has moved a representation before the Municipal Corporation, however, by order dated 20.05.2010 (Annexure P-8) the said representation has been rejected on the ground that the earlier order is confined to the petitioner of the said writ petition.
2. Learned counsel would submit that like earlier petitioner Ishwari Prasad Sharma, who worked as Personal Assistant, the petitioner was also discharging duties on the post of Secretary in the Municipal Corporation, Durg, therefore, he is entitled for salary of the said post.
3. Learned State counsel would submit that the matter pertains to Municipal Corporation, Durg.



4. After going through the papers annexed with the writ petition, this Court deems it appropriate to dispose of the present writ petition with a direction that in the event, petitioner submits representation before the competent authority of Municipal Corporation, Durg claiming parity with the order passed by this Court in the matter of Ishwari Prasad Sharma (supra), within a period of one month from today, the said authority shall consider the representation and if his case is found similar to the case of Ishwari Prasad Sharma, his representation shall be disposed of on merits in accordance with law as early as possible and preferably within a period of three months from the date of submission of representation.

Sd/-
Prashant Kumar Mishra
Judge

Ashu