

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR

WRIT PETITION (S) No. 4378/2013

Single Bench

PETITIONER

Fulsingh Kanwar S/o Shri
Umesh Singh Kanwar aged
about 45 Years, Head Master,
presently working at Govt.
Primary School Daihanpara
(Korba) Block, P.S. and District -
Korba (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through Secretary, Department
of Tribal Welfare Mantralaya,
Mahanadi Bhawan, New Raipur,
District- Raipur (C.G.)
2. Commissioner
Tribal Welfare Department,
Raipur, Distt. Raipur (C.G.)
3. Assistant Commissioner,
Tribal Welfare Department,
Korba Distt. Korba (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



HIGH COURT OF CHHATTISGARH, BILASPUR

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

W.P. (S) No.4378 of 2013

PETITIONER

Fulsingh Kanwar.

Versus

RESPONDENTS

State of Chhattisgarh and others.

Shri Ashwani Shukla, counsel for the petitioner.

Shri Ajay Dwivedi, Dy. Govt. Advocate for the State, on advance copy.

ORAL ORDER

(01/01/2014)

Learned counsel appearing for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of he having passed B.T.I. before appointment at his own cost. It is submitted that the issue involved in the present petition is no longer *res integra* and the same has been finally decided by the Hon'ble Supreme Court in the case of **Asha Saxena Vs. State of M.P. & Ors, 2009(III)MPJR (SC)59.**

2. It is further submitted that this Court has also taken a similar view in his order dated 06/02/2009 passed in W.P.(S) No. 6257/2008. Learned counsel for the petitioner further draws attention of this Court to order dated 29/04/2010 passed in Writ Appeal No. 124/2009, wherein relying upon the judgment of the Supreme Court in the case of *Asha Saxena* (supra) and the order passed by this Court in another Writ Appeal No. 87/2009, directions have been issued for consideration of the case for grant of two advance increments as per circular dated 21/09/1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition.

3. Learned counsel for the petitioner submits that the case of the petitioner would also be considered on the same lines.

4. In view of the statement made above, this petition is finally disposed of with a direction to the respondent authorities to consider and decide the claim of the petitioner for grant of two advance increments in view of the law laid down as also in view of circular, which has been issued by the State Government on 21/09/1974, after verification of the facts pleaded in the petition within a period of eight weeks from today.

Sd/-
Prashant Kumar Mishra
Judge