

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 28 of 2013**

1. Dr. Vimal Kumar Patel S/o Janak Ram Patel Aged About 53 Years Chitley Colony, Nehru Chowk, Bilaspur, Ps. Civil Lines Bilasur, Dist. Bilaspur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Thru The Secretary, Higher Education Deptt. Mantralaya. New Raipur PS Rakhi, Dist. Raipur C.G.
2. Commissioner Higher Education Deptt. Science College Premises, PS Civil Line, Raipur C.G.
3. Deputy Director Local Fund Audit, Geetanjali Vihar Colony, Nehru Nagar, Ps. Civil Line Bilaspur C.G.
4. D.P. Vipra College Thru The Principal Near Mama Bhanja Talab, Ps. City Kotwali, Bilaspur C.G.
5. University Grants Commission Thru The Secretary. Bahadur Shah Jafar Marg, PS New Delhi, New Delhi

---- Respondent**And****WPS No. 29 Of 2013**

1. Dr. K.B.Singh S/o Bhagirath Singh Aged About 56 Years Old High Court Road, Bilaspur Ps. City Kotwali, Bilasur, Dist. Bilaspur C.G.

---- Petitioner**Vs**

1. State Of Chhattisgarh Thru The Secretary, Higher Education Deptt. Mantralaya. New Raipur PS Rakhi, Dist. Raipur C.G.
2. Commissioner Higher Education Deptt. Science College Premises, PS Civil Line, Raipur C.G.

3. Deputy Director Local Fund Audit, Geetanjali Vihar Colony, Nehru Nagar, Ps. Civil Line Bilaspur C.G.
4. D.P. Vipra College Thru The Principal Near Mama Bhanja Talab, Ps. City Kotwali, Bilaspur C.G.
5. University Grants Commission Thru The Secretary. Bahadur Shah Jafar Marg, PS New Delhi, New Delhi

---- Respondent

For Petitioners	Shri Prateek Sharma, Advocate
For Respondent/State	Shri Arvind Dubey, PL
For Respondent/UGC	Shri S.S. Rajput, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/08/2015

Heard learned counsel for the parties.

1. Petitioners have preferred these writ petitions seeking benefit of two advance increments under the Career Advancement Scheme/incentive, pursuant to the circular issued by the Human Resources Department, Government of India on 27-7-1998 and 6-11-1998 read with the circular dated 24-12-1998 issued by the University Grants Commission (for short 'the UGC') and the State Government's circular dated 28-10-1999 (Annexure – P/1) whereunder all such teachers who have acquired the qualification of Ph.D. in their service career will be eligible for two advance increments.

2. Initially, the said benefit was made available to such teachers, who acquired Ph.D. during service prior to 1-1-1996, however, by a clarification dated 31-8-2001 it was decided that the benefit of any advance increments as per the earlier career advancement scheme may now be given to all such teachers irrespective of the date of acquisition of Ph.D., however, it shall be made applicable from 27-7-1998.
3. By a subsequent communication issued by the State Government on 20-6-2008 it was directed that all such teachers who have acquired Ph.D. during 1-1-1986 to 31-12-1995 shall be entitled for two advance increments w.e.f. 27-7-199, however, it will not be payable to such Teachers who are already granted the benefit of two advance increments under the career advancement scheme or those teachers who have appointed/promoted for a post for which Ph.D. is an essential qualification or Teachers holding the post of Professor.
4. Admittedly, petitioners have not obtained the benefit of two advance increments under the career advancement scheme nor Ph.D. is an essential qualification for the post which they are holding. Thus, they appear to be entitled for the benefit of two advance increments in terms of the State Government's communication dated 20-5-2008.

5. In view of the above, both the writ petitions are disposed of with a direction to the respondent/State to pass necessary orders for release of two advance increments to the petitioners within a period of three months from today. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri