

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1400 of 2015

Anand Kumar Pandey, S/o Shri Janak Dhari Dev Pandey, aged About 58 years, Head Master, Government Middle School, Kesgava, Block Sonhat, Dist. Korea (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Department Of Tribal Development, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (C.G.)
2. Commissioner, Tribal Development Department, Raipur, District Raipur (C.G.)
3. The Assistant Commissioner, Tribal Development Department, Korea (C.G.).

---- Respondents

For Petitioner	Shri Jitendra Shrivastava
For Respondent/State	Shri A.V. Shridhar, PL for the State.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/04/2015

Heard learned counsel for the parties.

1. Grievance of the petitioner in the present petition is that the petitioner was appointed as Assistant Teacher on a fixed pay scale of Rs.150 for a period of two years and after completion of probation, he was granted regular pay scale of Rs.169-300.
2. Contention of the counsel for the petitioner is that he is entitled for regular pay scale with effect from the date of initial appointment and his case is

squarely covered by number of decisions rendered by this Court and also the judgment rendered by the M.P. State Administrative Tribunal, Jabalpur in **O.A. No. 2745/89 (Madhukant Yadu & 56 others Vs. State of M.P. & Others)** where in it has been held that similarly placed teacher are entitled for regular pay scale from the date of their initial appointment.

3. It is not disputed by both the parties that the matter was taken up by the State to the Apex Court but the appeal was also dismissed by the Apex Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled for regular pay scale from the date of their initial appointment.
4. In view of the above submission made by the counsel for the parties, the petition is disposed of in the same terms i.e. the petitioner is granted liberty to make a representation, if so advised, in the light of the aforesaid judgment and the circular dated 27/12/2008 and in turn, the concerned respondent is directed to consider their case on its own merits and in its perspective. If the petitioner stands on the same footing as per order passed by the State Administrative Tribunal in Madhukant Yadu (supra) and subsequently confirmed by the Supreme Court in Special Leave Petition (Civil) No. 6892/93 by order dated 03/01/1995, the petitioner shall be entitled to same relief accordingly.
5. It is expected from the State authorities to pass suitable order after due scrutiny of the facts.
6. It is made clear that this Court has not expressed any opinion on merits of the case and the authority concerned would be at liberty to decide the representation strictly in accordance with law.

JUDGE