

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 53 of 2009

Smt. Lata Diwan W/o Shri Vijaya Dhar Diwan, Upper Division Teacher,
Govt. Higher Secondary School, Tribal Welfare, Churi, Tahsil Katghora
Distt. Korba (CG) **---- Petitioner**

Versus

1. State Of Chhattisgarh through the Secretary, Tribal Welfare Department,
D.K.S Bhawan, Raipur (CG)
2. Assistant Commissioner, Tribal Welfare Korba, Tahsil and Distt. Korba
(CG)
3. Principal Govt. Higher Secondary School Tribal Welfare Churi, Tahsil
Katghora, Distt. Korba (CG)
4. Joint Director, Treasury, Audit and Pension, Bilaspur (CG)

---- Respondents

For Petitioner	:	Shri Pritam Tiwari, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04.08.2015

Grievance of the petitioner in the instant case is that she has been denied two advance increments payable to her by the respondents in spite of having passed B.Ed. examination before appointment at her own cost.

2. Counsel for the petitioner submits that an identical writ petition has already been disposed of by the co-ordinate Bench of this Court in W.P.(S) No.1196 of 2013 dated 29.04.2013 and the present petition may also be disposed of in the similar term.

3. State counsel does not have any objection if the present petition is disposed of in terms of the order passed in W.P.(S) No.1196 of 2013.

4. Operative para of the order dated 29.04.2013 passed in W.P.(S) No. 1196 of 2013 reads as under:

“It is further submitted that this Court has also taken a similar view in its order dated 06.02.2009 passed in W.P.(S) No. 6257 of 2008. Learned counsel for the petitioner further draws attention of

this Court to order dated 29.04.2010 passed in Writ Appeal No. 124 of 2009, wherein relying upon the judgment of the Supreme Court in the case of Asha Saxena v. State of M.P. & Ors., 2009 (III) MPJR (SC) 59 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.

In view of the statement made above, this petition is finally disposed off 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 ”

5. Accordingly, the instant writ petition is also disposed of in similar terms as has been passed in W.P.(S) No.1196 of 2013 dated 29.04.2013.

**Sd/-
P. Sam Koshy
Judge**