

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2175 of 2015

1. M. L. Choudhary S/o Late Shri U.S. Choudhary Aged About 56 years
Head Master, Govt. Middle School, Sardamal, Post & Thana- Raigarh,
District - Raigarh (Chhattisgarh)
2. M.L. Patel S/o Late Shri Rupram Patel, Aged About 58 Years, Head
Master, Govt. Middle School Singhanpur, Post & Thana- Raigarh,
District - Raigarh (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : The Secretary, Schedule Caste &
Schedule Tribe, Development, Department, Mahanadi Bhawan, New
Raipur. (Chhattisgarh)
2. Assistant Commissioner, Tribal Welfare Department, Raigarh, District-
Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	: Shri Somkant Verma, Advocate
For Respondent/State	: Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/06/2015

1. The petitioners were initially appointed as Deputy Teacher on a fixed pay of Rs.100/-. After completion of probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion on probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (*Madhukant Yadu and 56 others Vs. State of M.P. & Others*), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the

Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

4. Learned counsel appearing for the petitioners also submits that this Court, while considering the same issue in *Amar Sai Ram & others Vs. State of Chhattisgarh & others* [W.P.(S) No. 4725/2006] by order dated 01/09/2006, allowed the petitioners to make a representation along with copy of the petition and annexures within a period of ten days, raising all their grievances and in turn the concerned respondent was directed to decide the representation in an objective manner within a period of 30 days from the date of receipt of the representation.

5. Accordingly, the petitioners are granted liberty to make a representation raising all their grievances and in turn, the concerned respondent is directed to decide the representation, if any, in accordance with law, on its own merits, within a period of eight weeks from the date of receipt of the representation.

6. In view of the foregoing, this petition is disposed of. No order as to costs.

Sd/-
(Prashant Kumar Mishra)
JUDGE