

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2194 of 2015

Nirakar Choudhary S/o Shri Balgovind Choudhary Aged About 50 years Head Master Govt. Middle School Bhainapara Kharsia Block Kharsia, Distirct Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Raipur, Chhattisgarh
2. The District Education Officer, Raigarh, District Raigarh, Chhattisgarh
3. The Assistant Commissioner Tribal Welfare Department, District Raigarh, Chhattisgarh
4. The Block Education Officer Block Kharsia, District Raigarh, Chhattisgarh

---- Respondents

And

WPS No. 2195 Of 2015

Sanatan Prasad Chouhan S/o Shri Ganesh Ram Chouhan Aged About 52 years Head Master Govt. Boys Asharam Kharsia (Chorha) Block Kharsia, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Raipur, Chhattisgarh
2. The District Education Officer, District Raigarh, Chhattisgarh
3. The Assistant Commissioner, Tribal Welfare Department, District Raigarh, Chhattisgarh
4. The Block Education Officer, Block Kharsia, District Raigarh, Chhattisgarh

---- Respondents

For Petitioners
For Respondent/State

Shri Anil Mourya, Advocate
Shri Yashwant Singh Thakur, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

25/06/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. Learned counsel appearing for the petitioner submits that the petitioners are entitled to benefit of two advance increments on account of they having passed D.Ed. examination after **appointment** at their own cost. It is submitted that the issue involved in the present petition is no longer *res integra* as 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.***
3. 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 petitioners 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 (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.

4. Learned counsel for the State would submit that for employees belonging to Tribal Welfare Department, separate instructions have been issued and in the event, petitioner submits fresh representation, his case shall be dealt with on the basis of instructions/circulars applicable to the Tribal Welfare Department.
5. 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 petitioners for grant of two advance increments in view of the law laid down as also in view of the circulars which have been issued by the State Government and which are applicable to the employees of the Tribal Welfare Department, after verification of the facts pleaded in the petition within a period of three months from the date of receipt of the representation along with copy of this order.

Sd/-

JUDGE

(PRASHANT KUMAR MISHRA)