

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2527 of 2015**

- Nageshwar Prasad Naik S/o Shri Nand Ram Naik Aged About 55 years
Head Master Govt. Primary School Bakeli, Block Kharsia, District Raigarh
Chhattisgarh

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary Tribal Welfare Department,
Mahandi 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 Petitioner	:	Shri Anil Mourya, Advocate
For Respondents/State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/07/2015**

1. Learned counsel appearing for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of he having passed D.Ed. examination **after seeking permission from the department** at his 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 Supreme Court in the case of ***Asha Saxena Vs. State of M.P. & Ors., 2009 (III) MPJR (SC) 59.***
2. 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 (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.

3. Learned counsel for the State would submit that for employees belonging to Tribal Welfare Department, separate instructions have been issued and the case of the petitioner shall be dealt with on the basis of instructions/circulars applicable to the Tribal Welfare Department.
4. 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 petitioner 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 copy of this order.

Sd/-

J U D G E
Prashant Kumar Mishra

Ashu