

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2537 of 2015**

1. R. L. Thakur S/o Late Shri Patiram Aged About 75 years Retired Principal, Government Higher Secondary School, Koyali Beda, District Kanker, R/o Vill & Post- Kumhari, Tahsil - Manpur, District Rajnandgaon Chhattisgarh.
2. Shakeel Ahmed Khan S/o Late Shri Samiullah Khan Aged About 65 Years Retired Principal, Government Higher Secondary School, Singhabhedhi, District Rajnandgaon, R/o Vill & Post- Bandha-Bazar, District Rajnandgaon Chhattisgarh.
3. Choubeyram Ratre S/o Late Shri Maha Singh Aged About 75 Years Retired Principal, Government Higher Secondary School, Dondi, District Balod, R/o Ramnagar Ward No. 14, Near Masjid, Dondi Lohara, District Balod Chhattisgarh.
4. Braj Lal Mandloi S/o Late Shri Rama Mandloi Aged About 73 Years Retired Principal, Government Boys Higher Secondary School, Amba Garh Chowki, District Rajnandgaon, R/o Vill- Daihan, Post - Jadutola, Tahsil - Chhuria, District Rajnandgaon Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through - Secretary, Tribal Welfare Department, Mantralaya, Naya - Raipur (Chhattisgarh)
2. The Commissioner, Tribal Welfare Department, Mantralaya, Naya- Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Anand Dadariya, Advocate
For Respondents/State	:	Shri PK Bhaduri, GA for the State

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

1. In the present writ petition, the petitioners have prayed for direction to the respondents to sanction pay scale of Rs.2375-4125/- which is the pay scale of Principal, Higher Secondary School with effect from the date of their joining pursuant to the order dated 30/07/1990, along with arrears and

fixation of pay.

2. According to the petitioners, the said pay scale was in fact allowed when the petitioners were promoted however, by a subsequent order dated 1/05/1991 the said pay scale was withdrawn and petitioners were brought to a lower scale of Rs.2000-3500.
3. Petitioners would submit that by order dated 03/02/2005 in W.P. No. 6235/2003 along with other writ petitions bearing W.P. Nos. 7210/2003, 7211/2003 and some other connected matters the Madhya Pradesh High Court has held that the said petitioners are entitled to get salary in the pay scale of Rs.2375-4125 and the subsequent order of withdrawal of the said pay scale is illegal.
4. Relying on the said judgment of Madhya Pradesh High Court, this Court by its order dated 08/03/2013 passed in W.P.(S) No. 7224/2008 and five other connected writ petitions has granted similar relief to the petitioners of the said case.
5. For the foregoing, since the petitioners were also promoted on the post of Principal in the pay scale Rs.2375-4125/- which was subsequently withdrawn on 1/05/1991, their case is similar to the decision rendered by the Madhya Pradesh High Court against which S.L.P. has been dismissed by the Supreme Court, the present writ petition is allowed and it is directed that the petitioners are entitled to pay scale of Rs.2375-4125/- from the date of their promotion as Principal, Higher Secondary School. The respondents shall accordingly grant arrears and calculate the pension in accordance with the said pay scale as most of the petitioners have already retired.
6. The writ petition stands disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Ashu