

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3485 of 2015**

- Kresencia Minj, Aged About 55 Years, W/o Shri S. Minj, Asst. Teacher, Presently Posted As Superintendent Girls Hostel, Pre Matrik Anusuchit Jati Kanya Chhatravas, Raigarh Distt. Raigarh, Civil & Revenue District Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Tribal Welfare, Mahanadi Mantralay, Naya Raipur, P. O. & P. S. Naya Raipur, District Raipur (Chhattisgarh).
2. Secretary, Department of School Education, Mahanadi Mantralay, Naya Raipur, P. O. & P. S. Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner, Department of S C/ S T Development, Chhattisgarh, Raipur (Chhattisgarh)
4. Collector (Tribal Development Branch), Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rajendra Tripathi, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/09/2015**

1. Learned counsel appearing for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of she having passed B.Ed. examination after appointment at her 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**.
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/-

Judge

Prashant Kumar Mishra

Ashu