

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 2172 OF 2010

Bhukhau Ram Sahu, S/o Ratiram Thakur, aged about 43 years, IInd Grade Clerk, office of Executive Engineer, Public Works Department, Division Bhanupratappur, District Kanker (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division Bhanupratappur, District Kanker (C.G.)
3. Joint Director, Treasury Accounts and Pension Department, Jagdalpur (C.G.)
4. Accounts Officer, office of Joint Director, Treasury, Accounts and Pension Department, Jagdalpur (C.G.)

... Respondents

For Petitioner	:	Mr. Anoop Majumdar, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/04/2016

1. Challenge through the present writ petition is to the action on the part of the Respondents in withdrawing the benefits of stepping up of pay as well as incremental benefits which the Petitioner was granted.
2. The State Government in their reply has come up with a very categorical stand and to which there is no rebuttal by way of any rejoinder that the Petitioner was not entitled for the benefit which inadvertently has been given to him. The fact that at the time of the order of appointment issued in favour of the Petitioner, there was a clear direction for him to clear the Hindi Typing examination which he has still not obtained. However, the said disqualification does not remain a disqualification after he attains the age of forty. Since he did not have the minimum prescribed qualification he was not entitled for the incremental benefits.

3. According to the Counsel for the Petitioner as well as the State he has attained the age of forty in the year 2007 and therefore he would be entitled for the incremental benefits with effect from 26.7.2008 and that even the stepping up of pay which the Petitioner is alleging that he has been denied would be entitled to him after 26.7.2008.
4. On a specific query being put to the Counsel for the Petitioner as to what is the rule position, he has not been able to satisfy the Court.
5. At this juncture, the ends of justice would meet in case if the Petitioner is made to represent to Respondent No.3 raising his grievance so far as his entitlement for the benefits of stepping up of pay and also for grant of incremental benefits from an earlier date which according to the State Government he has been paid with effect from 27.6.2008.
6. The Petitioner would also be at liberty to convince Respondent No.3 for any claim which according to him he would be entitled for the period prior to 26.7.2008 and also subsequent.
7. In the event if such a representation is made, it is expected that the Respondent authorities shall take a decision objectively taking into account the rule position and pass an order preferably within a period of four months from today.
8. The writ petition stands disposed of with the aforesaid directions.

Sd/-
(P. Sam Koshy)
Judge