

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 2908 of 2014

1. M.S. Thakur, S/o. Late Shri Hargovind Singh, Aged About 71 Years, R/o H.No. 131, Sunder Nagar, P.S. Purani Basti, Raipur Distt. Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through its Principal Secretary, Department of Forests, Ministry of Forests & Environment, Indrawati Bhavan, Mantralaya, Naya Raipur, District – Raipur (C.G.)
2. Principal Chief Conservator of Forests, Chhattisgarh Department of Forests, Aranya Bhavan, Jail Road Raipur, Distt. Raipur C.G.
3. State of Madhya Pradesh, Through : its Principal Secretary, Department of Forest, Ministry Of Forest & Environment, Vallab Bhavan, Bhopal Distt. Bhopal (M.P.)
4. Principal Chief Conservator of Forest, Madhya Pradesh, Department of Forests, Satpuda Bhavan, Bhopal, Distt. Bhopal (M.P.)

---- Respondents

W.P.(S) No. 466 Of 2011

1. Choudhari Mohammad Shakeel, S/o. Lt. Shri Choudhari Mohd. Jameel, aged about 66 years, R/o. C/76, Shailendra Nagar, Raipur, District – Raipur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Principal Secretary, Department of Forests, DKS Bhawan, Raipur, District – Raipur (C.G.)
2. Principal Chief Conservator of Forests, Chhattisgarh Department of Forests, Aranya Bhavan, Raipur, Distt. Raipur C.G.
3. State of Madhya Pradesh, Through : Principal Secretary, Department of Forest, Vallab Bhavan, Bhopal Distt. Bhopal (M.P.)
4. Principal Chief Conservator of Forest, Madhya Pradesh, Department of Forests, Satpuda Bhavan, Bhopal, Distt. Bhopal (M.P.)

---- Respondents

W.P.(S) No. 1800 Of 2015

1. Lal Mohammad, S/o Late Shri Roshan Mohammad, Aged About 75 Years, Retd. A.C.F., R/o Near Railway Station, Ward No. 18, P.S. Sakti, Sakti, District : Janjgir - Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through its Principal Secretary, Department of Forests, Ministry of Forests & Environment, Indrawati Bhavan, Mantralaya, Naya Raipur, District – Raipur (C.G.)

2. Principal Chief Conservator of Forests, Chhattisgarh Department of Forests, Aranya Bhavan, Jail Road Raipur, Distt. Raipur C.G.
3. State of Madhya Pradesh, Through : its Principal Secretary, Department of Forest, Ministry of Forest & Environment, Vallab Bhavan, Bhopal Distt. Bhopal (M.P.)
4. Principal Chief Conservator of Forest, Madhya Pradesh, Department of Forests, Satpuda Bhavan, Bhopal, Distt. Bhopal (M.P.)

---- Respondents

And

W.P.(S) No. 2909 of 2014

1. Manohar Lal Tiwari (M.L. Tiwari), S/o. Lt. Shri Murli Manohar Tiwari, aged about 73 years, R/o H.No.338, PS Purani Basti, Raipur, Dist Raipur, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through its Principal Secretary, Department of Forests, Ministry of Forests & Environment, Indrawati Bhavan, Mantralaya, Naya Raipur, District – Raipur (C.G.)
2. Principal Chief Conservator of Forests, Chhattisgarh Department of Forests, Aranya Bhavan, Jail Road Raipur, Distt. Raipur C.G.
3. State of Madhya Pradesh, Through : its Principal Secretary, Department of Forest, Ministry Of Forest & Environment, Vallab Bhavan, Bhopal Distt. Bhopal (M.P.)
4. Principal Chief Conservator of Forest, Madhya Pradesh, Department of Forests, Satpuda Bhavan, Bhopal, Distt. Bhopal (M.P.)

-----Respondents

For Petitioners	: Mr. Kashif Shakeel, Advocate
For Respondents/State of C.G.	: Mr. Gary Mukhopadhyay, Dy.G.A.
For Respondents State of M.P.	: S.S. Rajput, Advocate and Mr. Malay Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2016

1. All these petitions are heard together and decided by this common order, as the facts and issues involved are similar in nature.

2. The petitioners are retired employees of the Forest Department as Assistant Conservator of Forest in State of Chhattisgarh. They are claiming benefit of Senior Grade Pay Scale from various years.
3. The learned counsel for the petitioners submits that in the similar like nature of cases, the State of Madhya Pradesh, following the law laid down in **(Gulam Moinuddin Vs. State of M.P.)** W.P. No.23031/2004, decided on 11.11.2006 has given benefit to the like nature of the petitioners. Learned counsel for the petitioners further submits that after bifurcation, though the petitioners and others were entitled to get the benefit since they were allocated to the State of Chhattisgarh, their cases could not be considered in light of decision of Hon'ble High Court of Madhya Pradesh, of Gulam Moinuddin Vs. State of M.P. The counsel for the petitioners further submits that since the petitioners have retired, therefore, they may be given a liberty to make a detailed representation to respondent/State of Chhattisgarh, since they were allocated to State of C.G. and the Committee, which has been constituted by the State of Chhattisgarh may decide the case of the petitioner accordingly in a objective manner.
4. The prayer made by the petitioners is not opposed by the learned counsel for the State.
5. Learned counsel for the State of Madhya Pradesh submits that entire list have been submitted to the State of Chhattisgarh and it is the State of Chhattisgarh to decide the same.
6. Considering the nature of controversy as the petitioners are claiming benefit in light of the judgment passed by the High Court

of Madhya Pradesh in case of Gulam Moinuddin (supra), it is observed that the petitioners who have been stated to be allocated to State of Chhattisgarh, the petitioners may make a detailed representation before the respondent/State of Chhattisgarh alongwith the copy of the order passed in Gulam Moinuddin (supra) and such representation on being made, the Committee as constituted by the State of Chhattisgarh as per para-2 of the return, may decide the claim of the petitioners in a objective manner within a further period of three months from the date of representation.

7. The petitioners shall be at liberty to make a fresh representation before the Committee, if so advised within further period of one month from this order.
8. With such observation, the petitions stand disposed off.

(Goutam Bhaduri)
JUDGE