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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 384 OF 2015**

1. Hiran Deo Prasad Yadav S/o Ayodhya Prasad Yadav, aged about 47 Years, working as Assistant Teacher Vivekanand Vidyapeeth, Ramkrishna Paramhansh Nagar, Kota Raipur District Raipur (C.G.)
2. Rajendra Kumar Sinha S/o Shri Shyam Lal Sinha, aged about 48 Years, working as Assistant Teacher Vivekanand Vidyapeeth, Ramkrishna Paramhansh Nagar, Kota Raipur, District Raipur (C.G.)
3. Rajendra Shukla S/o Shri Santh Kumar Shukla, aged about 47 years, working as Assistant Teacher Vivekanand Vidyapeeth, Ramkrishna Paramhansh Nagar, Kota Raipur District Raipur (C.G.)
4. Harishanker Sahu S/o Shri Mehataru Ram, aged about 45 years, working as Assistant Teacher Vivekanand Vidyapeeth, Ramkrishna Paramhansh Nagar, Kota Raipur District Raipur (C.G.)

**---- Petitioners****Versus**

1. State of Chhattisgarh, through the Secretary, Department of Tribal Welfare, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, Tribal Development Department, Raipur, District Raipur.
3. Assistant Commissioner, Tribal Welfare Department, Raipur, District Raipur (C.G.)
4. The Secretary, Vivekanand Vidyapeeth, Ramkrishna Paramhansh Nagar, Kota Raipur, District Raipur (C.G.)

**---Respondents**


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| For Petitioners                      | : | Mr. Ajay Shrivastava, Advocate |
| For Respondents No. 1 to 3/<br>State | : | Mr. Ajeet Singh, P.L.          |
| For respondent No. 4                 | : | Mr. Aditya Tiwari, Advocate    |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order on Board**

**20/07/2016**

1. During the pendency of this petition, higher pay scale as claimed by the petitioners No. 1, 3 and 4 has been granted. Therefore, their grievance has been redressed.
2. As far as petitioner No. 2 is concerned, operative reason for withholding of higher pay scale is disciplinary enquiry pending.
3. Learned counsel for the petitioners draws attention to order dated 28/02/2012 passed in W.P.(S) No. 3227 of 2011 wherein this Court has directed that the disciplinary enquiry shall remain suspended till approval/order, if any, is passed by the competent authority i.e. Collector (Tribal Development).
4. Apparently, the operative reason for not granting higher pay scale to petitioner No. 2 is enquiry.
5. The Collector (Tribal Development) shall examine the case of the petitioner No. 2 whether any approval is required or not. The decision should be taken within a period of 60 days by the respondent No. 2. If the enquiry against the petitioner No. 2 is dropped, his claim shall also be considered for grant of higher pay scale.
6. With the aforesaid observation, the petition is disposed off.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge