

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 158 of 2016

Smt. Nirmala Shrivastava W/o Late Pannalal
Shrivastava, Aged About 65 Years R/o Seth Para Ward
No.6, Mahal Marg, Chuikhadan, P.S. Chuikhadan,
District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. R.P.Mandal , Secretary, School Education Department
Ministry, D.K.S. Bhawan, Raipur, Chhattisgarh
2. Shri R.L. Maksya, Joint Director Education Officer,
Rajnandgaon, Chhattisgarh
3. Shri M.L. Sonwani, District Education Officer,
Rajnandgaon, Chhattisgarh
4. Shri F.R. Verma, Block Education Chhuikhadan, District-
Rajnandgaon, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner :	Mr. Pawan Kesharwani, Advocate.
For State :	Mr. Satish Gupta, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

27/04/2016

Heard on admission.

1. Learned counsel for the petitioner submits that in the order dated 09.04.2010 passed by this Court, it was held that the petitioner is entitled to get the entire benefit of service including arrears of pay. It is submitted that though arrears of pay have been paid, spirit of the order, required consideration of case for grant of first and second scale promotion under the Government scheme. It is submitted that the matter has been referred for consideration of District Education Officer by the Block Education Officer vide its memo dated 19.10.2012 but

so far the benefit of first and second scale promotion has not been granted and therefore, it is a case of willful disobedience.

2. Scale promotion is not automatically included. It is a benefit of higher pay scale granted upon consideration of case of an individual employee. In the absence of any express stipulation in the order, it cannot be said that this Court intended that first and second scale promotion should also be automatically granted to the petitioner.

3. Nevertheless, it appears to be the claim of the petitioner that the case of the petitioner should be considered for grant of first and second scale promotion as per Government policy.

4. I find that the Block Education Officer has already referred the matter to the District Education Officer, Rajnandgaon vide its memo dated 19.10.2012. In that view of the matter, I am not inclined to hold that any case of willful disobedience of the order of the Court is made out. The claim of the petitioner shall be considered by the District Education Officer, Rajnandgaon in accordance with law and decision may be taken thereon.

5. The contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
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