



(125)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 4636 of 2006

1. Deep Singh Markam, aged about 39 years, S/o Shri Bisheshwar Markam, working as Assistant Sub Inspector (Ministerial), office of the Superintendent Police, Kabirdham (CG)
2. Yuvraj Asatkar, aged about 23 years, S/o Late Shri Ram Asatkar, working as Assistant Sub Inspector (Ministerial), office of the Superintendent Police, Kabirdham (CG)
3. Smt. Puja Chaube, aged about 27 years, W/o Shri Sandeep Chaube, working as Assistant Sub Inspector (Ministerial), office of the Superintendent Police, Kabirdham (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Department of Home Affairs, Dau Kalyan Singh Bhawan, Raipur (CG)
2. The Director General of Police, Police Headquarter, Raipur (CG)
3. The Sub Director General of Police (Administration) Police Headquarter-Raipur (CG)
4. The Superintendent of Police, Distt. Kabirdham (CG)
5. The District Treasury Officer, Distt. Kabirdham (CG)

---- Respondent

For Petitioners	:	Shri Tarun Dadsena, Advocate.
For Respondents	:	Shri Adhiraj Surana, Dy. GA.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

23/11/2016

The petitioners are working in the police department under the Ministerial cadre. The unified State of MP granted benefits of Choudhary Pay Commission to all the employees of the Executive (Ministerial) staff by order dated 28.8.2000. As the recommendation of ad hoc increase of salary to the Ministerial staff was not granted, the

Ministerial staff filed original application before the State Administrative Tribunal praying for grant of said benefits and that application was allowed by the Tribunal. Based on the order passed by the Tribunal, pay of the Ministerial staff was revised, however, the impugned order dated 29.7.2006 was issued directing for recovery of the benefits granted to the employees.

02. Learned counsel for the petitioners submits that number of employees identically placed filed writ petitions before this Court and the same have been allowed by a common order dated 7.5.2009 passed in WPS No.4563/06 and other connected petitions. It has been submitted that this Court has already quashed the impugned order dated 29.7.2006 and therefore, the present petition may also be disposed of in terms of the said order.

03. State counsel fairly submits that case of the present petitioners is identical to that of the cases which have been decided by this Court vide order dated 7.5.2009.

04. Considering the facts and circumstances of the case, the present petition is also allowed in terms of the order dated 7.5.2009 passed by this Court in WPS No.4563/06 and other connected petitions. Consequently, the impugned order dated 29.7.2006 is hereby quashed. If the respondents have recovered any amount from the petitioners, the same would be paid to the petitioners with simple interest. However, the respondents, if so desire, may take appropriate steps after complying with the principles of natural justice in accordance with Rule 65 of CG Civil Services (Pension) Rules, 1976.

Sd/-

(Pritinker Diwaker)

Judge