

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2705 of 2010**

1. B.P.Chaube S/o Late Shri D.P.Chaube, age about 55 years, R/o Tilak Nagar, Police Line, Bilaspur, Chhattisgarh
2. Bhagirathi Mahar S/o Shri M.L.Mahar, age about 38 years, R/o Katiyapara, Juna Bilaspur, Bilaspur, Chhattisgarh.
3. Beduram Jangade S/o Late Shri Lendas Jangade, age about 54 years, R/o Police Line, Tifara, Bilaspur, Chhattisgarh.

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

1. State of Chhattisgarh, Through Inspector General of Police, Police Headquarters, Civil Lines, Raipur, Chhattisgarh.
2. Superintendent of Police, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh.

---- **Respondents**


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| For Petitioners      | : | Shri Vinod Deshmukh, Advocate. |
| For Respondent/State | : | Smt. Smita Ghai, Panel Lawyer. |

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**Hon'ble Shri Navin Sinha, Chief Justice****Order on Board****05/02/2016**

1. The controversy in this writ application relates to the grant of appropriate pay scale to the Petitioners in the rank of Sub Inspector (A).
2. The Petitioners contend that they are entitled to the scale of Rs.5000 - 8000/- w.e.f 1.4.2006 in accordance with the recommendations of the Brahmaswaroop Committee dated 11.2.2008. The scale has been granted to other Sub Inspector (A) pursuant to the order of Superintendent of Police, Korba on 26.10.208 w.e.f 1.4.2006.
3. The State, in its counter-affidavit contends that the Brahmaswaroop Committee made recommendations with regard to Sub Inspectors and not Sub Inspector (A). The scale of Sub Inspector (A) is Rs. 4000 - 6000/- in accordance with order dated 3.10.2006. The Superintendent of Police, Korba has passed a wrong order and the Petitioners cannot seek a mandamus for perpetuation of that

illegality. No rejoinder has been filed to the counter-affidavit. Even otherwise, as held in (2007) 8 SCC 279 (S.C.Chandra v. State of Jharkhand) fixation of pay scale is a purely executive function more so when the Respondents contend that Brahmaswaroop Committee made recommendations with regard to the Sub Inspectors but not Sub Inspector (A). There are no materials before this Court with regard to the method of appointment, promotion, qualifications, nature of duties etc. of Sub Inspectors and Sub Inspector (A). It is therefore not possible for this Court to pass any positive order.

4. The Petitioner, if so advised, may represent before the authorities inviting their attention to all the materials that he may consider relevant and if the authorities are satisfied with regard to his claims, they are required to take corrective action in accordance with law. Any such representation, if filed, is expected to be considered and disposed within a maximum period of four months from the date of receipt and/or production of a copy of this order.

5. The writ petition is disposed.

Sd/-

(Navin Sinha)  
**CHIEF JUSTICE**