

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2802 of 2016

Ravindranath Mistry S/o Late Nagendra Nath Mistry, Aged About 59 Years
R/o P. V. 29, Yogendra Nagar, Tahsil Pakhanjore, Distt. U. B. Kanker,
(Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, Tribal Welfare Department, Mantralaya, Raipur, (Chhattisgarh)
2. District Education Officer, Uttar Bastar Kanker, (Chhattisgarh)
3. Block Development Officer, Vikas Khand Koyalibeda, Distt. Uttar Bastar, Kanker, (Chhattisgarh)
4. The Collector, Uttar Bastar Kanker, (Chhattisgarh)

---- Respondents

Shri Parag Kotecha, counsel for the petitioner/s.
Shri R.K. Gupta, Dy. A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/07/2016

The petitioner was initially appointed as Assistant Teacher on a fixed pay. After completion of his probation period, he was granted regular pay scale.

2. Learned counsel appearing for the petitioner submitted that the issue involved in the case is as to whether the petitioner is entitled to regular pay scale with effect from the date of initial appointment or after completion of probation period.
3. The issue involved herein was considered by the Madhya Pradesh State

Administrative Tribunal, Jabalpur in O.A.No.2745/89 (***Madhukant Yadu and 56 Others v. State of M.P. & others***), wherein it was held that the similarly situated teachers are entitled to regular pay scale with effect from the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

4. In view of the above stated submissions made by learned counsel for the parties, the writ petition is disposed off in the same terms i.e. the petitioner is granted liberty to make representation, if so advised, to consider his case, if he stand on the same footings as per order dated 24-08-1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745 of 89 ***Madhukant Yadu*** (supra) and subsequently confirmed by order dated 03-01-1994 passed by the Hon'ble Supreme Court in S.L.P.No.6892/1993 and grant relief accordingly.

5. No order as to costs.

Sd/-

(**Manindra Mohan Shrivastava**)
Judge