

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5418 of 2016

Nagendra Bharti Goswami S/o Shri Tilak Bharti Goswami, Aged About 45 Years
Working As Lecturer (Panchayat), Govt. Higher Secondary School Rohra, District
Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Chief Executive Officer, Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Respondents

Shri Ajay Shrivastava, counsel for the petitioner/s.
Shri S.P.Kale, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2016

By this petition, the petitioner has prayed for direction to respondents to consider his claim for grant of higher pay scale by including the entire period of services rendered by him as regular Shiksha Karmi Grade – II.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed as Shiksha Karmi Grade - II w.e.f. 20/09/2005. Thereafter, pursuant to advertisement for open recruitment on the post of Shiksha Karmi Grade-I, the petitioner also applied with due permission. He was selected and then appointed as Shiksha Karmi Grade – I vide order dated 02/08/2008. The petitioner claims benefit of higher pay scale including the period of services rendered by him as regular Shiksha Karmi Grade-II since 2005 on the basis of order dated 09/12/2015 passed by the Division Bench of this Court in W.A.No.32/2015 and connected appeals and subsequent circular issued by the State Government on 23/04/2016 in compliance with the order of the Division Bench.

3. After going through the contents of the petition, order passed by the Division

Bench and circular dated 23/04/2016, it is found that the claim of the petitioner does not appear to be frivolous and requires consideration. On principle, it has already been decided by the Division Bench of this Court that the period of services rendered in regular capacity are liable to be included for the purposes of grant of higher pay scale after appointment to the next higher post by way of direct recruitment. This is what circular dated 23/04/2016 also says.

4. In view of above, instead of keeping this matter pending, it would be proper and expedient in the interest of justice to direct respondent no.2 to examine the claim of the petitioner for grant of next higher pay scale in the light of judgment of the Division Bench passed by this Court and circular of the State Government issued on 23/04/2016 within an outer limit of three months. Ordered accordingly. Petition stands disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge