

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.5012 of 2015

Rewa Shankar Khatkar, S/o late T.S. Khatkar, aged about 58 years, Head Master, Govt. Primary School Junvani Block, Post & Police Station Dharamjaygarh, District Raigarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Schedule Caste & Schedule Tribes, Development Department, Mahanadi Bhawan, New Raipur.
2. Assistant Commissioner, Tribal Welfare Department, Raigarh, District Raigarh.
3. District Education Officer, Raigarh, District Raigarh.

---- Respondents

For Petitioner : Mr. Somkant Verma, Advocate.
For Respondents/State : Mr. Gary Mukhopadhyay,
Dy.G.A, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/01/2016

(1) The petitioner was initially appointed as Deputy Teacher on a fixed pay of ₹100/-. After completion of probation, he was granted regular pay scale.

(2) Learned counsel appearing for the petitioner submits that the issue involved in the case is as to whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion on 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 Vs. State of M.P. & Others*), wherein it was held that the similarly situated teacher is entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition 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) Learned counsel appearing for the petitioner also submits that this Court, while considering the same issue in *Amar Sai Ram & others Vs. State of Chhattisgarh & others* [W.P. (S) No. 4725/2006) by order dated 01/09/2006, allowed the petitioners to make a representation along with copy of the petition and annexures within a period of ten days, raising all their grievances and in turn the concerned respondent was directed to decide the representation in an objective manner within a period of 30 days from the date of receipt of the representation.

(5) Accordingly, the petitioner is granted liberty to make representation raising all his grievances and in turn, the concerned respondent is directed to decide the representation, if any, in accordance with law, on its own merits, within a period of eight weeks from the date of receipt of the representation.

(6) In view of the foregoing, this petition is disposed of . No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-