NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(S) No.6157 of 2016

Ramayan Singh Binjhraj S/o Raghunath Singh Binjhraj, Aged about 63 years, R/o Village – Mahuwadeeh, Post Office – Bhilai Bazar, Tahsil-Katghora, District (Revenue & Civil)-Korba (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of School Education, Mahanadi Bhawan, New Raipur, Tahsil & District Revenue and Civil, Raipur (CG).

2. Assistant Commissioner, Tribal Welfare Department, Korba, Tahsil & District (Revenue & Civil) – Korba (CG)

3. District Education Officer, Korba, District (Revenue & Civil), Korba (CG).

4. Block Education Officer, Block Office-Podi Uproda, District (Revenue & Civil) Korba (CG).

5. The Joint Director, Treasury Account & Pension Division Office, Bilaspur (CG).

---- Respondents

For Petitioner : Mr. Anand Kesharwani, Advocate.
For Respondents/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/11/2016

(1) The petitioner was initially appointed as Assistant Teacher on a fixed pay of ₹150/-. 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 Sate 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 of the petitioner.

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

Sd/-

(Sanjay K. Agrawal)
Judge

B/-