

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6532 of 2016**

Radha Bai Ratre D/o Charan Prasad Ratre, Aged About 62 Years
 Permanent R/o Nagar Panchayat Tundra, Ward No. 10, Mahadev
 Mohalla, Block Bilaigarh, District Balodabazar Bhatapara
 Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The School Education Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. The District Education Officer, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
3. The Block Education Officer, Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
4. The Joint Director, Treasury Accounts & Pension, Raipur, District Raipur Chhattisgarh

--- Respondents

For Petitioner : Shri K.P. Sahu, Advocate
 For Respondents/State : Shri Dhiraj Wankhede, Govt. Advocate and
 Ms. Purnima Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

06/12/2016

(1) With the consent of learned counsel for the parties, the matter is heard finally.

(2) The petitioner was appointed as Assistant Teacher on a fixed pay of Rs.300/-. After successfully completing the probation period of 2 years, he was granted regular pay scale.

(3) 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 with effect from the date of initial appointment or after completion of probation period.

(4) 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 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 Teacher/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

(5) Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in ***Amar Sai Ram & others v. State of Chhattisgarh & Others [W.P.(S) No.4725/2006]*** by order dated 01.09.2006, allowed the petitioners to make a representation within a period of ten days, raising all their grievances.

(6) Learned counsel for the petitioner further submits that now the State Government has issued an order on 5th January, 2011 (Annexure P/2) wherein, it has been ordered that those who have been appointed before 1982 and after 1995 on a fixed pay, are entitled to regular pay scale from the date of initial appointment upon successful completion of 2 years period of probation.

(7) Accordingly, the petitioner is granted liberty to make a representation raising all his grievances, in light of the aforesaid

judgment and circulars dated 13.01.2009 & order dated 05.1.2011 (Annexure P/2), 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 three months from the date of receipt of the representation, subject to verification of the facts.

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

Sd/-

(Sanjay K. Agrawal)
Judge

L/-