

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2665 of 2016

Bhaduram Verma S/o Late Dhuru Ram Verma aged about 61 years, posted as Lecturer, Government Higher Secondary School, Bhanpuri, Block Dongargarh, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The District Education Officer, Rajnandgaon District Rajnandgaon, Chhattisgarh.
3. The Block Education Officer, Dongargarh, District Rajnandgaon (Chhattisgarh)

---- Respondents

Shri S.K.Agrawal, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/07/2016

The petitioner was initially appointed as Lower Division 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. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in *Paras Nath Gupta Vs. State of Chhattisgarh & Ors (WPS No.58 of 2007)* by order dated 15/01/2007, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned State counsel, however, submits that before application of the law laid down in the case of *Madhukant Yadu (supra)*, verification of facts would be necessary to find out whether the petitioner is identically situated or not.

6. In view of above, this petition is disposed off. Let necessary verification be made and if the petitioner is found to be similarly situated, benefits may be granted to him also, as the order passed in the aforesaid case for consideration of the case of the petitioner and passing of appropriate orders in accordance with law.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**