

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2982 of 2016

Naresh Ram Yadav S/o Khageshwar Yadav, Aged About 60 Years Working As Headmaster, Government Middle School Kunkuri, District Jashpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Jashpur, District Jashpur, (Chhattisgarh)
3. The District Education Officer, Jashpu, District Jashpur, (Chhattisgarh)
4. The Joint Director, Treasury, Accounts And Pension, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/07/2016

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.100/-. 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 & 56 Ors. Vs. State of MP & Ors**), 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 of 1993. The said petition was dismissed by the Hon'ble Supreme Court, upholding the decision of the Tribunal to the effect that the Teaches/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 & Ors Vs. State of Chhattisgarh & Ors.** [WPS No.4725/06] by order dated 1.9.2006 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 Govt. has issued an order on 5th January, 2011 (Annexure P-3) 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 order dated 5.1.2011 (Annexure P-3) 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 forgoing, this petition is disposed off. No order as to costs.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge