

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3861 of 2016**

Kumari Sudha Tiwari D/o Shri Yudhishtir Tiwari, Aged About 63 Years R/o Village Bamhanipali, Post Office Risota, Tahsil Sarangarh, District Revenue And Civil Raigarh Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary Department Of School Education, Mahnadi Bhawan, New Raipur, Tahsil & District Revenue & Civil Raipur Chhattisgarh
2. Director, Public Education Raipur, Tahsil & District Revenue And Civil Raipur Chhattisgarh
3. District Education Officer, Block Office Sarangarh, District Revenue And Civil Raigarh Chhattisgarh
4. Block Education Officer, Block Office Sarangarh, District Revenue And Civil Raigarh Chhattisgarh
5. The Joint Director, Treasury Account & Pension Division Office, Bilaspur Chhattisgarh

**---- Respondents**

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|----------------|---|------------------------------------|
| For Petitioner | : | Shri V.K. Pandey, Advocate         |
| For State      | : | Shri D.R. Minj, Dy. Govt. Advocate |

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

**Order On Board**

**17/08/2016**

1. The petitioner was initially appointed as Assistant Teacher on a fixed pay of Rs.100/-. After successfully completing the probation period of 2 years, she 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 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 & 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 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 **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.
5. Learned counsel for the petitioner further submits that now the State Govt. has issued an order on 5<sup>th</sup> January, 2011 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.
6. 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 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, subject to verification of the facts.
7. In view of the forgoing, this petition is disposed off. No order as to costs.

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