

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 268 OF 2016**

Gulab Singh Uday S/o Jagat Ram, Aged About 63 Years  
R/o Kotmikala, Tahsil Pendra, District (Revenue & Civil)  
Bilaspur, (Chhattisgarh)

**---- Petitioner****Versus**

1. State of Chhattisgarh Through: Secretary, Department of School Education, Mahanadi Bhawan, New Raipur, Tahsil & District (Revenue & Civil) Raipur, (Chhattisgarh)
2. The Assistant Commissioner, Tribal Welfare Department, Chhattisgarh, Bilaspur, District (Revenue & Civil) Bilaspur, (Chhattisgarh)
3. District Education Officer, Bilaspur, District (Revenue & Civil) Bilaspur, (Chhattisgarh)
4. Principal, Government Higher Secondary School, Kotmikala, Block Office Pendra, District (Revenue & Civil) Bilaspur, (Chhattisgarh)
5. The Joint Director, Treasury Account & Pension, Division Office, Bilaspur, (Chhattisgarh)

**---- Respondents**


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| For Petitioner | : Mr. Anand Kesharwani, Advocate  |
| For State      | : Mr. Gary Mukhopadhyay, Dy. G.A. |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****27/01/2016**

1. The petitioner was initially appointed as Assistant Teacher on a fixed pay of Rs.100/-. 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 State 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.

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

Sd/-  
**(Sanjay K. Agrawal)**  
**JUDGE**