

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.217 of 2015

Phalendra Prasad Yadav S/o Shri Shiv Sharan Yadav Aged About 34 Years R/o
Shri Ram Krishna Ashram, Bagicha, Police Station Bagicha, Civil & Revenue
District Jashpur Chhattisgarh

---- Petitioner

Versus

1. Shri Manoj Pingua (the then Secretary of Tribal Welfare Department), Capital Complex, Mahanadi Bhawan New Raipur Police Station Raipur, Head Post Office Raipur, Police And Revenue District Raipur, Chhattisgarh
2. Shri N.K. Aswal Secretary, Tribal Welfare Department, Secretariat, Mantralaya, Capital Complex, Mahanadi Bhawan New Raipur, Police Station Raipur, Head Post Office Raipur Police And Revenue District Raipur Chhattisgarh
3. M. Shikhar Gupta Collector, Tribal Welfare Department, Civil And Revenue, Jashpur, Civil And Revenue District Jashpur Chhattisgarh
4. Shri J.R. Nagwanshi Assistant Commissioner, Tribal Welfare Department, Jashpur, Civil And Revenue District Jashpur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Vaibhav Goverdhan, Advocate
For Respondents	:	Shri Rakesh Kumar Jha, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/01/2016

Heard.

2. Learned counsel for respondents referring to reply dated 11-01-2016 submits that now an order has been passed by the Collector on 12-05-2015 granting benefit to the petitioner with effect from 07-08-2001 and the order of the Court stands fully complied with in its letter and spirit.

3. Learned counsel for petitioner submits that though the respondents have granted benefit not from the date of regularization but from the date of passing of order of regularization. Referring to order dated 07-08-2001 (Annexure C-6), learned counsel

for petitioner submits that the State Government has clearly ordered that the petitioner would be entitled to regularization from the date of his initial appointment. It is asserted that the date of appointment of the petitioner is 01-12-1999. Conjoint reading of order of regularization and the order passed by this Court would lead to conclusion that the petitioner is entitled to benefit of appropriate pay scale not from the date of order of regularization but from the date of regularization. According to order, the date of regularization is the date of initial appointment i.e. 01-12-1999.

4. This Court, vide order dated 23-07-2013, clearly stated that the petitioner's claim for grant of pay scale from the date of his regularization shall be taken into consideration. On rational consideration, this would only mean the date of regularization irrespective of the date, on which, regularization is ordered. It is not the case that the regularization has been ordered with effect from the date, on which, it is passed but from the date of his initial appointment, as is clear from Annexure C-6.

5. Obviously, in such a case, it is the date of appointment which shall be treated as date of regularization and not from the date, on which, order of regularization was passed.

6. It appears that the respondent has understood the order in its own way. However, this cannot be said to be an act of willful disobedience but only wrong standing of the order of Court. Therefore, I am not inclined to proceed further in the contempt petition. Rule is discharged. The authority shall duly consider the effect of order of this Court as has been observed hereinabove and pass necessary orders as early as possible.

7. With the aforesaid observation, this petition is finally disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge