NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6117 of 2016

Alok Kumar Rai, S/o Late Yogendra Rai, aged about 55 years, Laboratory Technician, Vivekanand Government Post Graduate College, Manendragarh, District Koria, Chhatisgarh, Civil and Revenue District Koria, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Principal Secretary, Department of Higher Education, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh

2. The Commissioner/Director, Higher Education Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh

3. The Principal, Vivekanand Government P.G. College Mandendragarh Distirct Koria Chhattisgarh

4. Joint Director, Treasury And Account, Director Near Gandhi Chwok Ambikapur, Distirct Sarguja Chhattisgarh

---- Respondents

For Petitioner : Shri A.K. Prasad, Advocate.
For Respondents/State : Shri Prasun Bhaduri, GA

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/11/2016

Heard learned counsel for the parties.

(1) Petitioner has preferred this writ petition seeking grant of annual increment from the date of joining i.e. from the date he appointed one year service after appointment.

(2) Learned counsel for the petitioner would submit that the petitioner is working as Lab Technician in the Vivekanand Government P.G. College, Mandendragarh, District Koria having been appointed on ad-hoc basis vide order dated 15.09.1984. He would submit that the petitioner was granted annual increment from the date of appointment vide order dated 15.09.1984 (Annexure

P-1), however, the said order was subsequently withdrawn even though similarly placed Lab Technician working in the Government Girls P.G. College, Bilaspur has been granted annual increment vide order dated 28.11.2001 (Annexure P-6). He would also draw attention of the Court to the order passed by this Court on 06.10.2005 in W.P. No.4451/2005.

(3) Learned State Counsel would submit that earlier the petitioner was granted annual increment in view of circular dated 25.10.1993, however, by subsequent circular issued on 11.09.1995 the earlier circular was kept in abeyance. The petitioner is not entitled for annual increment form the date of initial appointment.

(4) On perusal of papers annexed with the writ petition, it would appear that another Lab Technician Ku. Ragini Verma has been granted annual increment pursuant to order passed by M.P. State Administrative Tribunal, Raipur on 04.07.2001 (Annexure P-7) in O.A. No.384/2001. The petitioner is also working as Lab Technician in a Government College, in the department of Higher Education. It does not appear that against the order passed by the aforesaid Tribunal in favour of Ku. Ragini Verma, the State Government has preferred any writ petition before the High Court. On the contrary, the order has been complied with and regular increment has been granted to Ku. Ragini Verma from the date of initial appointment.

(5) For the foregoing, it is directed that if the case of the petitioner is similar to the case of Ku. Ragini Verma, respondent shall consider petitioner's case for grant of annual increment from the date of initial appointment on adhoc basis.

(6) The writ petition stands disposed of in the above term.

Sd/-
(Sanjay K. Agrawal)

Judge

D/-