

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.3189 of 2000**

Smt. Kiran Jain, aged about 40 years, D/o late Shri Mohanlal Jain, C/o Shri Gulab Chand Patni Jain Gali, Gandhi Chowk, Durg, Assistant Teacher, Lalita Shastri Bal Mandir, Municipal Corporation, Durg.

---- Petitioner**Versus**

Municipal Corporation, Durg, through the Commissioner, Municipal Corporation, Durg .

---- Respondent

For Petitioner : Mr. B.P. Singh, Advocate
For Respondent : Mr. Rajnish Singh Baghel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board**04/05/2017****(1)** Heard.

(2) Learned counsel appearing for the petitioner would submit that though the petitioner's substantive post is Lower Division Clerk, but since 4th September, 1992 the work of the Assistant Teacher is being taken from her, therefore, she is entitled for regularization on the post of Assistant Teacher and also entitled to grant all the benefits and pay allowances on the said post.

(3) On the other hand, learned counsel appearing for the respondent would oppose the submissions made by the learned counsel for the petitioner and submit that the petitioner's substantive post is Lower Division Clerk and salary of that post is being paid to her, therefore, she is not entitled for regularization

on the post of Assistant Teacher and also not entitled to grant all the benefits/pay allowances of the said post.

(4) I have heard learned counsel for the parties and perused the documents appended with the writ petition.

(5) A careful perusal of the order dated 04th September, 1992 would show that the petitioner's substantive post is Lower Division Clerk and all the benefits/pay allowances of that post is being paid to her, therefore, in absence of promotion to the post of Assistant Teacher, the benefits of post of Assistant Teacher cannot be granted to the petitioner.

(6) However, if the petitioner has worked on the post of Assistant teacher and still working on that post, she is at liberty to file an additional representation claiming allowances/wages before the respondent-Municipal Corporation, Durg. If such representation is made by the petitioner within ten days from today, respondent-Municipal Corporation, Durg shall consider and decide the same in accordance with law preferably within a further period of four weeks from the date of receipt of representation of the petitioner in accordance with law.

(7) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-