

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 6759 of 2016**

1. Suresh Kumar Upadhyay S/o Late Shri Sundar Lal Upadhyay, aged about 54 years, Lecturer (Commerce), Middle School, Bakiside, Block Katghora, District Korba, (Chhattisgarh)
2. Panna Lal Sahu, S/o Siyadhin Sahu, aged about 53 years, Lecturer (Hindi), Govt. Middle School, Mongra, Block Katghora, District Korba, (Chhattisgarh)
3. Mahipal Patel, S/o Shri Hajari Lal Patel, aged about 52 years, Lecturer, Govt. Middle School, Bandhapara, Block Katghora, District Korba, (Chhattisgarh)
4. Uma Prasad Kashyap, S/o Shri Roopnath Kashyap, aged about 55 years, Lecturer (English), Govt. Middle School, Bankiside, Block Katghora, District Korba, (Chhattisgarh)
5. Uttra Kumar Dewangan, S/o Shivdhan Dewangan, aged about 47 years, Lecturer, Govt. Middle School, Ghuddeva, Block Katghora, District Korba, (Chhattisgarh)
6. Smt. Mamta Pandey, W/o Shri Ashok Kumar Pandey, aged about 49 years, Lecturer (History), Govt. Girls Middle School, Banki Basti, Block Katghora, District Korba, (Chhattisgarh)
7. Khelawan Prasad Sahu, S/o Shri Sohan Lal Sahu, aged about 47 years, Lecturer, Govt. Middle School, Bandhapara, Block Katghora, District Korba, (Chhattisgarh)
8. Mohan Lal Katakwar, S/o Shri Haricharan Katakwar, aged about 46 years, Lecturer (Hindi), Govt. Girls Middle School, Banki Basti, Block Katghora, District Korba, (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Director, Public Instructions, Indrawati Bhawan, Raipur, (Chhattisgarh)
3. District Education Officer, Korba, District Korba, (Chhattisgarh)
4. The Assistant Commissioner, Tribal Welfare Korba, District Korba, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri K. S. Pawar along with Shri S. K. Kushwaha, Advocate
For Respondent/State	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/03/2017**

The present petitioners were working with the respondents as Upper Division Teacher and in the year 2014 & 2015, all the petitioners were promoted to the post of Lecturer.

2. Grievance of the petitioners is that subsequent to their promotion having been granted, the benefit which the petitioners are entitled for under Rule FR 22 D is not being extended to them by the respondents.

3. Counsel for the petitioners submits that the issue involved in the present case stands squarely decided by this Court in WPS No. 4991 of 2006 vide its order dated 27.03.2008 and therefore the petitioners are also entitled for the similar benefit. He submits that the petitioners have been making repeated representations and have also sent notices to the respondents but they have not taken any decision in this regard. Hence, counsel for the petitioner makes a limited prayer that the representations of the petitioners pending before the respondents may be decided at the earliest.

4. The proposition put forth by the counsel for the petitioners is not opposed by the State counsel.

5. Accordingly, let the respondents 3 & 4 take a decision on the claim of the petitioners as to whether they are entitled for the relief claimed under Rule FR 22 D or not within a period of 90 days from the date of receipt of certified copy of this order. If required, the petitioners may also file a fresh representation to the respondents 3 & 4 with all relevant documents in support of their claim.

6. It is made clear that this Court has not expressed any opinion on the merits of case so far as the entitlement of the petitioners is

concerned. The respondents 3 & 4 shall verify and scrutinize the case of the petitioners in accordance with the rules governing the field and take an appropriate decision. If the petitioners are found entitled, the benefit should be released forthwith.

**Sd/-
(P. Sam Koshy)
JUDGE**