

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1218 OF 2017

Nilofer Khan, D/o Abdul Kalam Khan, aged about 32 years, post Lecturer (Panchayat) at Government Higher Secondary School, Kandul, Block Gunderdehi, District Balod, C.G., R/o Plot No.6, Beside St. Xaviers School, Kripal Nagar, Kokha Bhilai, District Durg (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Chief Executive Officer, District Panchayat, Balod (C.G.)
3. Block Education Officer, Gunderdehi, District Balod (C.G.)

... Respondents

For Petitioner	:	Mr. Praveen K. Dhurandhar, Advocate.
For Respondent-State	:	Mr. S.P. Kale, Dy. Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

15/03/2017

1. By the present writ petition, the Petitioner has prayed for a direction to the Respondents to consider her claim for grant of higher pay scale by including the period of services rendered by her as regular Shiksha Karmi Grade-III.

2. Learned Counsel for the Petitioner submits that the Petitioner was initially appointed as Shiksha Karmi Grade-III on 25.6.2005. Thereafter, pursuant to advertisement for open recruitment on the post of Shiksha Karmi Grade-I, the Petitioner also applied. She was selected and then appointed as Shiksha Karmi Grade-I vide order dated 6.7.2010. The Petitioner claims benefit of higher pay scale including the period of services rendered by her as regular Shiksha Karmi Grade-III since 2005 on the basis of order dated 9.12.2015 passed by the Division Bench of this Court in Writ Appeal No. 32 of 2015 and connected appeals and subsequent circular issued by the State Government on 23.4.2016 in compliance with the order of the Division Bench.

3. After going through the contents of the petition, the order passed by the Division Bench and the circular dated 23.4.2016, it is found that the claim of the Petitioner does not appear to be frivolous and requires consideration. On principle, it has already been decided by the Division Bench of this Court that the period of services rendered in regular capacity is liable to be included for the purpose of grant of higher pay scale after appointment to the next higher post by way of direct recruitment. This is what circular dated 23.4.2016 also says.

4. In view of above, instead of keeping this matter pending, it would be proper and expedient in the interest of justice to direct Respondent No.2 to examine the claim of the Petitioner for grant of next higher pay scale in the light of the decision of the Division Bench of this Court and the circular of the State Government issued on 23.4.2016 within an outer limit of three months. Ordered accordingly. Petition stands disposed of.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE