NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 1073 of 2014

Smt. Rekha Khurana W/o Harish Khurana, aged about 48 years, Working as Upper Division Teacher in Pandit Munnu Lal Shukla Municipal Higher Secondary School Bilaspur, Now on deputation at Municipal School Kawardha, PS Kawardha, Civil & Distt Kawardha, CG

---- Petitioner

Versus

1. The State of Chhattisgarh through Secretary, Department of Urban Development & Administration New Raipur, Mantralaya, New Raipur, Civil & Distt Raipur, CG
2. Municipal Corporation Bilaspur, through its Commissioner, Municipal Corporation Building, Nehrau Chowk, PS Civil Line, Civil & Revenue Distt Bilaspur, CG

---- Respondents

For Petitioner	:	Shri Punit Ruparel, Advocate
For Respondent no.1/State:		Shri Adhiraj Surana, Dy. Gov. Advocate
For Respondent no.2.	:	Ms. Pushpa Dwivedi under instruction of Shri A. S. Kachhwaha, Advocate

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Hon'ble Shri Justice P. Sam Koshy

Order On Board

06/03/2017

The present petition has been preferred seeking for a direction to the respondents to grant the pay scale of lecturer to the petitioner from the date she was promoted to the said post i.e. 29.02.2012.

2. Counsel for the petitioner submits that the petitioner was working as an Upper Division Teacher with respondent no.2. That in the year 2012 the DPC was convened and the petitioner was considered for being promoted to the post of lecturer and since 29.02.2012, the petitioner is discharging the duties of lecturer under respondent no.2. It is the contention of the counsel for the petitioner that though the petitioner is discharging the duties of lecturer, she is not being paid the salary that of

a lecturer and she is being paid only as an Upper Division Teacher in spite of being promoted. Counsel for the petitioner lastly submits that the issue involved in the present case is no longer res integra for the reason that this Court has decided a series of writ petitions allowing the same and the lead case i.e. the case of Smt. Kavita Tiwari Vs. State of Chhattisgarh & another in WP No. 4003/2003 wherein the respondents had also taken the matter up to the Supreme Court but was not successful and the view taken by this Court for grant of pay scale of lecturer to the similarly placed persons was affirmed by the Supreme Court. Counsel for the petitioner further relies upon the order of this Court in W.P. No. 4085 of 2003 decided on 28.09.2010 wherein also a similar writ petition was allowed in terms of the decision passed in the case of Smt. Kavita Tiwari Vs. State of Chhattisgarh & another in WP No. 4003/2003

3. The respondent no.2 in their reply also have taken a stand that the petitioner is discharging the duties of lecturer ever since her promotion i.e. 29.02.2012. That the respondent no.2 is also eager to grant the said benefit w.e.f. 29.02.2012 i.e. the date on which the petitioner was promoted to the post of lecturer.

4. In view of the categorical admission on the part of the Municipal Corporation i.e. respondent no.2 in their reply in paragraph-3, this Court is of the opinion that nothing further remains to be adjudicated upon in the present petition. Thus, keeping in view the decision of this Court in the case of Smt. Kavita Tiwari (supra) as also the order passed by this Court in the bunch of writ petitions decided on 28.09.2010, the lead of which is WP No. 4085/2003, the present writ petition also stands allowed. It is directed that the respondent no.2 shall forthwith take an appropriate measure for grant of pay scale of lecturer to the petitioner

from the date it fell due to her. Let this exercise be carried out within a period of 90 days from today.

5. With the aforesaid direction, the present writ petition stands allowed.

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

Bhola