

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2873 of 2010

Faneshwar Yadav S/o Shri Balram Yadav, aged about 44 years, Junior Engineer, Chhattisgarh State Power Distribution Company Limited, Chakarbhata, District Bilaspur (C.G.).

---Petitioner

Versus

1. The Chhattisgarh State Power Distribution Company Limited, Daganiya, Raipur, through the Secretary, C.S.P.D.C.L., Raipur (C.G.).
2. The Madhya Pradesh State Electricity Board, Sakti Nagar, Jabalpur through the Secretary, MPSEB, Jabalpur (MP).
3. The Chief Engineer, Chhattisgarh State Power Distribution Company Limited, Bilaspur (C.G.).
4. The Superintending Engineer (O & M circle) Chhattisgarh State Power Distribution Company Limited, Bilaspur (C.G.).

---Respondents

For petitioner	:	Shri Ritesh Verma, Advocate.
For respondent No.2	:	Shri S.S.Baghel on behalf of Shri B.D.Guru, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/07/2018

1. The grievance of the petitioner in the instant Writ Petition is that of non-granting of higher pay scale which the petitioner was entitled for with effect from 2003, but which has been paid to him in the year 2007.
2. The counsel for the petitioner submits that, the services of the petitioner was placed under suspension in the year 2001 and he continued under suspension till 2005. Thereafter, the disciplinary authority could not find the petitioner guilty of the charges levelled against him and he stood exonerated of the charges and the period of suspension was also regularized and he

was paid all the monetary benefits for the period of suspension. However, the counsel for the petitioner submits that though the period of suspension has been regularized, but the petitioner who was entitled for the next higher pay scale on completion of 9 years of service with effect from 2003 was not paid to him, but was released to him in the year 2007 and therefore prayed for the said relief be given to him from the year 2003 onwards. He further submits that, in respect of the said grievance, he has already made a representation which also till date has not been decided by the respondents.

3. Perusal of record would show that though the respondents have entered appearance, but till date the reply has also not been filed.

4. Given the nature of dispute and the relief sought for, this Court does not intends to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.3 to ensure that the case of the petitioner for grant of higher pay scale from 2003 instead of 2007 is considered and decided at the earliest.

5. In addition, the petitioner would be at liberty to make a fresh representation in this regard to the respondent No.3 within 3 weeks' and the contentions put forth in this representation shall also be considered and decided objectively by the respondent No.3.

6. Let this exercise be done by the respondent No.3 within an outer limit of 3 months from the date of receipt of fresh representation if any by the petitioner.

7. It shall be the responsibility of the petitioner to apprise the respondent No.3 of the order passed by this Court.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit