

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 595 OF 2012**

Ashok Kumar Modi, S/o Shudarshan Lal Modi, aged about 59 years, presently posted and working as Assistant Teacher, Government Primari School, Pathrapali (West), Block Development & District Raigarh (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through: the Secretary, Department of School Education, Mantralaya, DKS Bhawan, Raipur, District Raipur (C.G.)
2. District Education Officer, Raigarh (CG)
3. Block Education Officer, Raigarh (CG)

... Respondents

For Petitioner	:	Mr. B.D. Guru, Advocate.
For Respondents	:	Mr. Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/07/2018**

1. Initially the claim of the petitioner was that the respondents have illegally stopped his two advance increments which he was paid in the year 1985 on account of undergoing family planning program.
2. However, subsequent to it a reply has been filed by the State Government denying this aspect and also affirming the fact that it has been continuously paid to him since 1985. And now the rejoinder of the petitioner comes up with a stand that since 1992 the petitioner has not been paid another two advance increments which he was entitled for on account of remaining on the post of Assistant Teacher continuously for 20 years without there being B.Ed. and B.T.I. and if he would have got B.Ed. and B.T.I. qualification he would have got it earlier.
3. Learned counsel for the petitioner submits that the matter may be disposed of with a direction to the respondents to consider, whether the petitioner has been granted these two advance increments on his completion of 20 years of service or not, and if not, the same may be released.

4. Learned Counsel for the State however submits that it is a new relief altogether which is being sought for by the petitioner and that too has been raised while filing the rejoinder and there is no claim ever made before the authorities on an earlier occasion nor does there seem to be any representation made in this regard to the higher authorities in the department.

5. Be that as it may, considering the fact that now the only issue which the petitioner seeks is that of two advance increments which he was entitled for on completion of 20 years which according to him he did in 1992. Therefore, let the petitioner now make a detailed representation to respondent no.2 in this regard within a period of four weeks from today and the respondent no.2 thereafter within a further period of 90 days shall scrutinize the service record of the petitioner and ensure whether he has been granted the two advance increments which he was entitled for on account of completion of 20 years of continuous service and in case if it has not been paid, the authorities concerned shall take appropriate steps in ensuring that the same may be released to the petitioner, provided he is eligible for the same in accordance with the government rules then applicable. Let this exercise be done within an outer limit of 90 days from the date of receipt of representation of the petitioner.

6. The writ petition stands disposed of accordingly.

Sd/-

(P. Sam Koshy)
Judge