

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7393 of 2017

1. Santosh Suryvansi S/o Dan Sai, Aged About 36 Years R/o 3rd Vahni, Police Station And Tahsil Amleshwar, District Durg Chhattisgarh., Chhattisgarh
2. Nageshwar Salam S/o Aaju Ram Salam, Aged About 54 Years Posted At 3rd Vahni Police Station And Tahsil Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
3. Firendra Rajak S/o Manglu Ram Rajak, Aged About 65 Years R/o 3rd Vahni Police Station And Tahsil Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
4. Govind Kumar S/o Bihari Lal Mandavi, Aged About 51 Years R/o Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., Chhattisgarh
2. Inspector General, Police Headquarter, Chhattisgarh, Block No. - 3 Sector - 19, New Raipur, District Raipur Chhattisgarh. , District : Raipur, Chhattisgarh
3. Divisional Commandant, 3rd Vahni Sasastrabal, Amleshwar Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
4. District Commandant, 3rd Vahni Sasastrabal, Amleshwar - Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioners : Shri Alok Kumar Pandey, Advocate
For Respondents/ State : Shri YS Thakur, Additional AG

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

25.09.2018

1. Heard counsel for the parties.
2. Notification dated 22.01.2010 issued by the Home Police Department, Government of Chhattisgarh is being challenged in the

present Writ application showing two different pay scales for a Horse Rider (Gurhsawar) and an Attender (Sayees), as well as showing them as Class-3 and Class-4 category employees respectively has been assailed.

3. Submission of the counsel for the petitioners is that since the State of Chhattisgarh has adopted such Rules, which have been notified under Article 309 of the Constitution of India from the State of Madhya Pradesh and since in the State of Madhya Pradesh Gurhsawar and Sayees have been treated as equal, the State of Chhattisgarh ought to have done the same and they cannot have two classifications.

4. From a bare perusal of the notification contained in Annexure P/1, it is evident that the two posts are different. Post of Gurhsawar is Class-3 and Sayees is Class-4 post. The Rule so notified also indicate different qualification and mode for recruitment for the two posts and even the nature of duty is distinct, therefore, merely because the State of Madhya Pradesh somehow equated the two posts, it does not mean that the State of Chhattisgarh is bound to do the same. It can be nobody's case that the State do not have freedom to bring about corresponding changes and amendments which goes with the posts and positions.

5. The challenge on such a ground, therefore, is unsustainable. The Writ application has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge