

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4304 of 2012

Ambika Prasad Sharma S/o Late Shri Mohanlal Pandey, aged about 72 years, Retired Head Master, R/o Teachers Colony, Dangania, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of School Education, D.K.S. Bhavan, Raipur (C.G.).
2. Commissioner, Public Instructions, Raipur (C.G.).
3. District Education Officer, Raipur, District Raipur (C.G.).
4. Joint Director, Treasury Accounts and Pension, Raipur, District Raipur (C.G.).

---Respondents

WPS No. 5286 of 2012

Gafoor Mohammad Rahim S/o Late Shri Shaikh Rahim, aged about 72 years, Retired Head Master, R/o P.S. P.O. Telibandaha, Makka Masjid, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of School Education, D.K.S. Bhavan, Police Station Civil Lines, Post Office Mantralaya, Raipur, District Raipur (C.G.).
2. Commissioner, Public Instructions, Police Station & Post Office Civil Lines, Pension Bada, Raipur, District Raipur (C.G.).
3. District Education Officer, Police Station & Post Office Civil Lines, Pension Bada, Raipur, District Raipur (C.G.).
4. Joint Director, Treasury Accounts and Pension, Police Station and Post Office Civil Lines, Pension Bada, Raipur, District Raipur (C.G.).

---Respondents

For petitioners	:	Shri Yogesh Pandey, Advocate.
For State	:	Shri Shashank Thakur, Gov.Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

27/04/2018

1. The relief sought for by the petitioners in the two Writ Petitions is for a direction to the respondents for grant of the revised pay scale payable to the petitioners with effect from 01/01/1986 though the respondents make a statement that the petitioners have been provided with the benefit of periodical revision of pay.
2. The contention of the counsel for the petitioners is that the issue involved in the instant case stands squarely covered by the decision of this Court in the case of **Abhay Ram Yadu & Ors. v. State of Chhattisgarh** (WPS No. 2307/2005 decided on 19/03/2010).
3. The counsel for the petitioners submits that, the petitioners had preferred a representation which has been rejected by the respondent No.3 on 11/04/2012–Annexure-P/6. The reason for rejection of the representation as is reflected from the order dated 11/04/2012 is that, the petitioners not being a party to the Writ Petition 2307/2005 and since the petitioners were not one among the petitioners therein, their claim has been rejected.
4. This court has no hesitation in holding that, the order Annexure-P/6 dated 11/04/2012 is bad in law for the reason that, once when the High Court in a Writ Petition passes an order granting certain benefits or certain directions to be complied with, the respondents authorities are duty bound rather incumbent to grant similar benefits to all similarly placed persons instead of forcing the similarly placed persons also to approach the Court of law.

5. In the instant case, if the petitioners are identically placed and at par with the petitioners in WPS 2307/2005 decided by the High Court on 19/03/2010 and if the petitioners therein have been granted the benefit as per the directions of this Court, there is no reason why the petitioners in the instant Writ Petitions also should not be entitled for similar benefits. The judgment so decided by this Court on 19/03/2010 in the case of Abhay Ram Yadu (Supra) has to be considered as a judgment passed in rem and not as a judgment passed in persona.

6. The impugned order Annexure-P/6 thus is held to be bad in law and it is directed that the respondent No.3 shall forthwith consider the case of the petitioners and subject to verification whether the petitioners are similarly placed like the petitioners in WPS No. 2307/2005 decided on 19/03/2010, the case of the petitioners should also be processed and similar reliefs/orders should be granted/passed in the case of the petitioners as well.

7. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit