

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6357 of 2018**

1. Ram Chandra Nagesh S/o Late Bhimsen Nagesh Aged About 50 Years R/o Village Chitalanka Near Shishu Mandir Post Teknar Tahsil Dantewada District South Bastar Dantewada Chhattisgarh (Upper Division Teacher)
2. Samu Ram Netam S/o Late Dogaram Aged About 48 Years R/o Teknar Tahsil Dantewada District South Bastar Dantewada Chhattisgarh (Upper Division Teacher)
3. Chandan Kumar Back S/o Late Aayatu Ram Back Aged About 48 Years R/o Bag Mundi Bade Paneda Tahsil Geedam District South Bastar Dantewada Chhattisgarh (Upper Division Teacher)
4. Kulndhar Singh Netam S/o Late Shri Bhadaruram Netam Aged About 51 Years R/o Village Chitalanka Post Teknar Tahsil Dantewada District South Bastar Dantewada Chhattisgarh.
5. Pravin Kumar Nag S/o Late Padumram Nag Aged About 44 Years R/o Village Muchnar Post Barsur Tahsil Geedam District South Bastar Dantewada Chhattisgarh.

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Tribal Welfare, Mantralaya, Naya Raipur P.S. Rakhi, District Raipur Chhattisgarh.
2. Collector South Bastar Dantewada Office At Dantewada District South Bastar Dantewada Chhattisgarh.
3. The Assistant Commissioner, Tribal Welfare Department Dantewada District South Bastar, Dantewada Chhattisgarh.
4. K. Dayasagar S/o Vireshyam Aged About 50 Years Working As U.D.I. At Government Middle School Tuswal, Block Bhairamgarh District Beejapur Chhattisgarh.

**----Respondents**

|                 |   |                                |
|-----------------|---|--------------------------------|
| For Petitioners | : | Mr. P.K. Tulsyan, Advocate     |
| For State       | : | Mr. Arvind Dubey, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****27/09/2018**

1. The grievance of the petitioners in the present writ petition is the non-granting of the advantage of two advance increments payable to the petitioners after having putting about 20 years of service or 50 years of age, being untrained teachers.

2. The contention of the petitioners is that the respondent No.4 on an earlier occasion had preferred a writ petition i.e. WPS No. 4857/2014 and the writ petition got disposed off with a direction to make a representation to the authorities, who in turn would decide the same vide order dated 18.09.2014. Further contention of the petitioners is that pursuant to the disposal of the said writ petition, the respondent No.4 had made a representation to the authorities, which in turn has been considered and the respondent No.4 has been granted the advantage of two advance increments inspite of the fact that the respondent No.4 is similarly placed as that of the petitioners. He accordingly submits that let the claim of the petitioners also be considered in the light of the benefits provided to the respondent No.4 and if the department finds that the petitioners are similarly placed, then appropriate order be passed, so far as their entitlement is concerned.
3. The State counsel does not dispute the aforesaid averments and also does not have any grievance, if the writ petition is disposed off with a direction to the respondent No.1 to take a decision in this regard.
4. Given the facts, let the petitioners make a fresh detailed representation to the respondent No.1 giving details of the benefits that has been granted to the respondent No.4 and the respondent No.1 in turn shall peruse and scrutinize the records and verify that the petitioners are similarly placed as that of the respondent No.4 and thereafter pass an appropriate order, so far as the entitlement for two advance increments to the petitioners are concerned. While

deciding the claim of the petitioners, the authorities concerned may take note of the circulars of the State Government dated 22.11.1979.

5. Let this exercise be completed within a period of 90 days from the date of receipt of the representation.
6. With the aforesaid observations, the writ petition stands disposed off.

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

Ved