

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7377 OF 2018**

Durga Shankar Ray S/o Late Shri Prabhakar Ray Aged About 74 Years
R/o Sattipara, Ambikapur, Civil And Revenue District Surguja,
Chhattisgarh.

...Petitioner(s)

Versus

1. C.S.P.D.C.L. Through Its Managing Director R/o Head Quarter Daganiya Near Raj Kumar College Raipur Post Office And District- Raipur, Chhattisgarh.
2. The Chief Engineer C.S.P.D.C.L. Ambikapur Area, Ambikapur, District- Surguja, Chhattisgarh.
3. The Executive Engineer (O And M) C.S.P.D.C.L. R/o, Office Tifra Ambikapur, District- Surguja, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Badruddin Khan, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.11.2018

1. The present petition has been filed assailing the order dated 27.09.2018 whereby the claim of the petitioner for grant of two advance increments on account of having undergone the family planning operation was denied to the petitioner.
2. A perusal of impugned order dated 27.09.2018 would show that the case of the petitioner was infact considered by the department and it was found that the benefit of two increments was introduced by the department only on 20.06.1983 whereby it was mentioned that the said benefit would be granted to only those employees/officers who had underwent the family planning operation on or after 15.01.1979.
3. The petitioner had undergone the said operation about five years prior to that i.e. on 20.11.1974 and therefore, he was not extended the said benefit. The said circular dated 20.06.1983 is not under

challenge. Moreover, it appears that the petitioner was appointed under the respondents in the year, 1962 and he stood retired from service in the year, 2002. In all these 40 years time the petitioner did not claim this benefit and it is only at this belated stage that the petitioner has thought of claiming the said benefit.

4. The petitioner has failed to make out a case for grant of any relief particularly when the rejection of the petitioner was passed on the fact that on the date when the petitioner had undergone family planning operation there was no scheme applicable by which the petitioner would have been entitled for the said benefit. Subsequently when the scheme was introduced also since it was not given retrospective effect of the period when the petitioner underwent the said operation, the same cannot be extended to the petitioner.
5. Thus, this court is of the opinion that no strong case is made out calling for interference with the impugned order dated 27.09.2018. The writ petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge