

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7736 of 2018

Phag Ram Nirmalkar S/o Shri Shobha Ram Nirmalkar Aged About 57 Years Head Master, Govt. Primary School Munda, District-Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan, New Raipur Chhattisgarh
2. District Education Officer, Balodabazar, District Balodabazar Bhatapara Chhattisgarh

---Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2018

1. The petitioner was initially appointed as Deputy Teacher on a fixed pay of Rs.150/-. After completion of probation period, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is as to whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme

Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner also submits that this Court, while, considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P.(S) No. 4725/2006) by order dated 01.09.2006, allowed the petitioners to make a representation along with copy of the petition and annexures within a period of ten days, raising all their grievances and in turn the concerned respondent was directed to decide the representation in an objective manner within a period of 30 days from the date of receipt of the representation. Other similarly placed employees had also filed a writ petition i.e. WPS No. 1990 of 2011 which was also disposed of in favour of the petitioners therein vide order dated 15.04.2011.
5. Accordingly, the petitioner is granted liberty to make a representation raising all his grievances and in turn, the concerned respondent is directed to decide the representation, if any, in accordance with law, on its own merits, within a period of 8 weeks from the date of receipt of the representation.
6. In view of the foregoing, this petition is disposed off.
7. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge

Ved