

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2378 of 2008

- Smt. Kanaklata Shrivastava W/o Shri Premchand Shrivastava, aged about 62 years, R/o "Kanak Bhawan" Shanti Vihar Colony, Dangania, Raipur, District Raipur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Department of Tribal & Schedule Caste Welfare, Mantralaya, DKS Bhawan, Raipur, District Raipur (CG)
2. State of Chhattisgarh, through Secretary, Department of General Administration, Mantralaya, DKS Bhawan, Raipur, District Raipur (CG)

---- Respondent

For Petitioner : Shri P.K. Bhaduri, Advocate.

For Respondents : Shri Rajendra Tripathi, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/09/2019 :

1. The petitioner has prayed for issuance of appropriate writ, order or direction, commanding the respondents to grant her time bound enhanced pay scale with effect from June, 1996 in accordance with the State Government's circular dated 17.3.99/

19.4.99 (Annexure-P/6).

2. The petitioner was working in the Department of Tribal Welfare. She has retired as Principal of Government Higher Secondary School, Gariyaband on 31.8.2007. She was not allowed benefit of Kramonnati in terms of the State Government's circular dated 17.3.99/19.4.99 and she continued to work on the same pay scale for 12 years or more. She received only 2 promotions, first in the year 1984 and thereafter in 2007. She was entitled for first Kramonnati after 12 years of her service and thereafter second Kramonnati after completion of 24 years of service.
3. In the return filed by the respondents, the only defence taken is that the State Government has issued instructions on 21.8.2003 that the persons whose pension has been finalized, their cases would not be re-opened for consideration of time bound enhancement in pay scale. Hence her pension having already been finalized on 31.3.2008, she is not entitled for consideration of grant of Kramonnati.
4. The petitioner would place before this Court the State Government's subsequent circular dated 11.1.2010, which is made part of record of the writ petition, providing that such Government servants, who were entitled for Kramonnati upon completion of 12 years and 24 years service while they were in

service, are entitled to benefit of Kramonnati even after retirement and in such cases, their pension shall be revised after allowing Kramonnati.

5. In view of the circular dated 11.1.2010, the only defence raised in the return does not survive for consideration.
6. The Writ Petition deserves to be and is hereby allowed directing the respondents to pass necessary orders for allowing benefit of Kramonnati to the petitioner in accordance with the State Government's circular dated 17.3.99/19.4.99. If she is found eligible for such grant, her pension shall be revised in accordance with the circular dated 11.1.2010. The decision shall be taken by the Government within a period of 3 months from today and thereafter arrears shall be paid and pension shall be revised within next 3 months.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve