

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 595 of 2019

1. Sharad Kumar Dubey S/o Late Shri B.P. Dubey, Aged About 60 Years, Posted As Sub-Inspector (M), 2nd Bn, Caf Sakri, Bilaspur, District - Bilaspur Chhattisgarh.
2. Sanat Kumar Kamalsen S/o Shri Chetamn Ram Kamalsen, Aged About 56 Years, Posted As Sub-Inspector (M), 2nd Bn, Caf Sakri, Bilaspur, District - Bilaspur Chhattisgarh.
3. Smt. Ranjana Shukla W/o Shri Sudhir Shukla, Aged About 46 Years, Posted As Sub-Inspector (M), Mt Work Shop Bilaspur, District - Bilaspur Chhattisgarh.
4. Smt. Sushma Sharma W/o Shri R. K. Sharma, Aged About 51 Years, Posted As Sub-Inspector (M), Mt Work Shop Bilaspur, District - Bilaspur Chhattisgarh.
5. Vedu Ram Jangde S/o Late Shri Lain Das Jangde, Aged About 61 Years, Posted As Subedar (M), 2nd Bn, Caf Sakri, Bilaspur, District - Bilaspur Chhattisgarh.
6. Pitamber Sahu S/o Late Shri K. R. Sahu, Aged About 51 Years, Posted As Assistant Sub-Inspector (M), 2nd Bn, Caf Sakri, Bilaspur, District - Bilaspur Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Finance Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District - Raipur Chhattisgarh.
2. Secretary Department Of Home, Mahanadi Bhawan Mantralaya, Atal Nagar, District - Raipur Chhattisgarh.
3. Director General Of Police Police Headquarters, Block No. 4, Secot - 19, Near Indrawati Bhawan, Atal Nagar, District - Raipur Chhattisgarh.
4. Superintendent Of Police Bilaspur, District - Bilaspur Chhattisgarh.
5. Commandant 2nd Battalion Caf, Sakri Bilaspur, District - Bilaspur Chhattisgarh.
6. In-Charge Mt Work Shop Bilaspur, District - Bilaspur Chhattisgarh.
7. Joint Director (Treasury Accounts And Pension) Bilaspur Division, District Bilaspur Chhattisgarh.

---Respondents

For petitioner	:	Ms. Naushina Afrin Ali, Advocate.
For State	:	Mr. Sameer Behar, P.L.

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

29/01/2019.

1. The grievance of the petitioners in this writ petition is that the petitioners have been denied the grant of ad hoc pay increase and the time scale pay which was paid to other similarly placed persons.

2. Counsel appearing for the parties jointly submit that the issue raised by the petitioners herein has already been considered and decided by this Court in a couple of writ petitions leading among which being **WPS No. 4563/2006 (Abdul Nawab Khan Vs. State of Chhattisgarh and others)** decided on 07.05.2009. The said order was also put to test before the Supreme Court and the Supreme Court also affirmed the order passed by this Court and it is stated at the bar that the said order has since been complied with. Later on, a couple of writ petitions have also been disposed of vide order dated 03.07.2015 in **WPS No. 4523/2014 (Francis Xavier Back and others Vs. State of Chhattisgarh and others)** and other connected petitions.
3. At this juncture, counsel for the petitioners submits that pursuant to the order passed in the case of Abdul Nawab Khan (supra), the State Govt. has passed certain instructions which have been collectively marked as Annexure P-3 dated 03.12.2013, 15.04.2014, 11.07.2014, 09.03.2015 & 07.11.2015.
4. So far as the issue decided by this Court through the judgment passed in the case of Abdul Nawab Khan and also in the case of Francis Xavier Back (supra) is concerned, the same is not disputed by the State counsel.
5. Given the aforesaid factual matrix of the case, this Court is of the opinion that the present writ petitions also deserve to be disposed of in similar terms.
6. Accordingly, the writ petition is disposed off in similar terms. Since the Department has already constituted a Committee in this regard as per the directions passed in the case of Francis Xavier Back (supra), let the case of the petitioners herein also be examined by the said Committee in the light of the decisions rendered earlier and the circulars of the State Govt. in this regard and an appropriate decision be taken at the earliest.
7. Counsel for the petitioners, at this juncture submits that the petitioners have already made representations in this regard to the authority concerned.
8. Hence, liberty is left open for the petitioners to prefer a fresh representation within a period of 2 weeks from today before the competent authority and the Committee thereafter shall examine the

issue in similar terms and take a decision as to whether the petitioners are entitled for similar benefits or not which has been given to the similarly placed persons.

9. Let the Committee take a decision within an outer limit of 90 days from the date of receipt of fresh representation of the petitioners. It shall be the responsibility of the petitioners to apprise the Committee as well as respondent no.2 in respect of the order passed by this Court.
10. With the aforesaid observation the writ petitions stand disposed off.

Harneet

Sd/-
(P. Sam Koshy)
JUDGE