

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 961 of 2019**

Govind Ji Mishra S/o Shri Vishwanath Mishra, Aged About 55 Years,
Working As Laboratory Technician, Rajeev Gandhi Govt. Post
Graduate College Ambikapur, District Surguja, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Higher Education
Department, Atal Nagar Mantralaya, New Raipur, Chhattisgarh
2. The Commissioner, Directorate Of Higher Education, Government Of
Chhattisgarh, Raipur, Chhattisgarh
3. The Principal, Rajeev Gandhi Govt. Post Graduate College
Ambikapur, District Surguja, Chhattisgarh

---- **Respondents**

For petitioner	:	Ms. Shivali Dubey, Advocate.
For State	:	Shri Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/02/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner was entitled for the benefit of higher pay scale on completion of 12 years of service but in stead of granting the same on completion of 12 years, the same has been granted to the petitioner only on completion of 15 years of service.
2. Counsel appearing for the parties jointly submit that the issue involved in the case already stands decided by this Court on 23.04.2013 in WPS No.1153 of 2013.

3. At this juncture, it would be relevant to take note of the order passed by this Court in WPS No. 1153 of 2013, the relevant part of which for ready reference is reproduced hereinunder:

“Grievance of the petitioners, ventilated through this petition, relates to claim of higher pay scale upon completion of 12 years of service under the Scale promotion Policy of the State Govt.

Learned counsel for the petitioners submits that in implementation of policy for grant of scale promotion upon completion of 12/24 years of service, promulgated initially on 19.04.1999 and modified/clarified from time to time, employees in the State Services are being granted scale promotion upon completion of 12/24 years of service. However, in the case of the petitioners, without any justifiable basis, the said benefit is being granted upon completion of 15 years of service which is highly discriminatory. It is further submitted that this issue has already been decided by the State Administrative Tribunal (for short “the Tribunal”) in the year 2000 before re-organization of State and the State of M.P. Has already implemented the said decision of the Tribunal vide its order dated 23rd March, 2002, but that benefit has not been extended to the petitioners, who are similarly situated Lab Technicians working in the Govt. colleges in the State of Chhattisgarh, governed by identical terms and conditions of service as their counter parts working in the Govt. colleges in the State of M.P. several representation have already been made, but no order have been passed till date.

Taking into consideration the submissions of learned counsel for the parties, the claim of the petitioner does not appear to be frivolous or baseless. The Tribunal has already decided the issue in the year 2000 i.e. before reorganization of the State. The said decision has already been implemented by the State Govt. of M.P. Therefore, in these circumstances, the respondent State should consider the case of the petitioner also for grant of the benefit of scale promotion upon completion of 12 years of service in stead of 15 years of service.

Considering that the matter has remained pending at the Govt. level also for quite some time, the respondents should consider the whole matter and pass necessary orders as early as possible within an outer limit of 4 months from the date of receipt of copy of this order.”

4. The record would further show that pursuant to the order passed by this Court in WPS No. 1153 of 2013, the State Govt. had passed an

order as a policy decision on 07.10.2013 granting benefit to the petitioners therein from the date of completion of 12 years of service.

5. In view of the aforesaid factual matrix of the case, this Court is of the opinion that the case of the petitioner also squarely falls within the order passed by the High Court in WPS No. 1153 of 2013 and also the policy decision taken by the Department on 07.10.2013 (Annexure P-4).
6. Accordingly, respondent no.2 is directed to ensure that the case of the petitioner be also considered for grant of Kramonnati/higher pay scale on his completing 12 years of service in stead of 15 years which has been granted by the respondents. Let this exercise be completed within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise the respondent no.2 so far as the order passed by this Court is concerned.
7. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE