

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2049 of 2008**

Sudarshan Prasad Dansena S/o. Shri Gaeshram Dansena, aged about 49 years, R/o. Behind B.R.Cold Storage, Kangoli Road, Jagdalpur C.G

---- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Scheduled Caste, Scheduled Tribe and Backward Class Welfare Department, DKS Bhawan, Mantralaya, Raipur (CG).
2. The Commissioner Tribal Development, Raipur C.G
3. The Secretary Mata Rukmani Sewa Sansthan Samiti, Dimrapal, Tahsil and District Jagdalpur (CG).

---- Respondents**Writ Petition (S) No. 1425 of 2008**

Smt. Sadhana Deshmukh W/o. Shri Anand Deshmukh, aged about 42 years, R/o. Near Old Office Nayapara, Jagdalpur C.G

---- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Scheduled Caste, Scheduled Tribe and Backward Class Welfare Department, DKS Bhawan, Mantralaya, Raipur (CG).
2. The Commissioner Tribal Development, Raipur C.G
3. The Secretary Mata Rukmani Sewa Sansthan Samiti, Dimrapal, Tahsil and District Jagdalpur (CG).

---- Respondents

For Petitioners	:	Shri SP Kale, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.01.2019**

1. Since the issue involved in both these writ petitions are identical in nature and the facts and grounds, so also the contentions of the petitioners, all being similar, this court proceeds to decide both these

petitions by this common order.

2. The relief sought for by the petitioners in these petitions is for a direction to the respondents/State to grant salary to the petitioners at par with the Lecturers/Teachers working in the Government Schools and they be paid revision of pay scale w.e.f. 01.07.1990. They also be paid arrears from 01.07.1990 to 31.03.1999 along with interest.
3. The facts of the case is that the petitioners are working as Lecturers/Teachers in the respondent-Institution which is a fully government aided institution. The petitioners have claimed the benefit of revision of pay at par with the Lecturers/Teachers working in the government educational institution. The revision of pay took place from 01.01.1986. The respondent authorities took a decision for giving notional fixation from 01.01.1986 and the actual benefit to be extended from 01.07.1990 onwards as per the orders passed by the Supreme Court in SLP(Civil) No.920 of 1995. The State Govt. immediately vide circular dated 22.08.1996 took a decision that the actual benefit would be extended from 01.07.1994 onwards.
4. The State in its reply have categorically taken a stand that the petitioners infact have been paid the actual monetary benefit of the revision of pay w.e.f. 01.07.1994 onwards. The respondents have refused the entitlement of the petitioners for the revision of pay w.e.f. 01.07.1990 to 01.07.1994. As per circular dated 22.08.1996 (Annexure R/1) they have categorically taken a stand that the petitioners would be entitled for the benefit only from 01.07.1994 onwards and which is already extended to them.

5. At this juncture, the counsel for the petitioners submits that the actual benefits to the petitioner had infact been extended only from 01.04.1999 and they have not been paid benefit of revision of pay w.e.f. 01.07.1994 as claimed by the Government.
6. Given the said factual matrix of the case, this court is of the opinion that as far as reply of the State is concerned, the same does not dispute the fact that the petitioners are entitled for the actual revision of pay w.e.f. 01.07.1994.
7. Be that as it may, the writ petition itself is being disposed of with a direction to the respondents No.2&3 to take a decision in respect of the claim of the petitioners whether the benefit of revision of pay has been extended to them w.e.f. 01.07.1994 onwards or not as has been claimed by the State in their reply. If the same has not been extended to the petitioners, this court does not see any reason why the same should not be given effect to.
8. Let the respondents No.2&3 take proper steps ensuring that the petitioners get benefit of revision of pay w.e.f. 01.07.1994 onwards till 01.04.1999, if they have not been extended the said benefit. The petitioners would be entitled for the arrears of pay on the said amount. So far as actual benefit from 01.07.1994 to 01.04.19999 is concerned, the same may be settled at the earliest preferably within a period of three months by the respondents No.2&3.
9. So far as the claim of the petitioners for the revised pay scale w.e.f. 01.07.1990 is concerned, they are at liberty to approach the respondent No.1 by making a fresh detailed representation along with

copy of judgment of Supreme Court passed in SLP(Civil) No.920 of 1995 on the basis of which the petitioners have claimed the said benefit. On such representation being made, the respondent No.1 shall decide the same within a further period of four months.

10. It shall be the responsibility of the petitioners to apprise the respondents No.2&3 so far as order passed by this court is concerned.

Sd/-
(P. Sam Koshy)
Judge

inder