

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5855 of 2008

1. Chhattisgarh Pradesh Shikshak Congress, through Anil Kumar Tiwari, aged about 43 years, S/o Shri Bhuwadeshwar Prasad Tiwari, Lecturer R/o Behind Family Planning Office, Jorapara, Sarkanda, Bilaspur, Tehsil and District Bilaspur (CG).
2. Sanjay Kumar Sharan S/o D.D. Sharan, aged about, 45 years, Lecturer, R/o Tara Sadan, Shastri Nagar, Bilaspur, District Bilaspur (CG).

---- Petitioner(s)

Versus

State of Chhattisgarh through Secretary, School Education Department, Dau Kalyan Singh Bhawan, Raipur (CG).

---Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

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

25.07.2019

1. The claim in the present writ petition by the petitioners are that the upgradation of pay scale given to them on competition of 12 years of service on the post of Lecturer has not been properly done.
2. The facts of the case is that, according to the petitioners, they were appointed as Lecturer in the year, 1988. The pay scale of the petitioners at the relevant point of time was Rs.5500-9000/-. The petitioners were entitled for Kramonnati/upgradation on completion of 12 years of service. They completed 12 years of service on 10.02.2000. The benefit of Kramonnati/upgradation of the pay scale was given to the petitioners vide order dated 02.06.2004 and the order was made effective from 10.02.2000, date on which the petitioners otherwise completed 12 years of service. The petitioners have been granted revised pay scale of Rs.6500-

10,500/-. It is this scale which the petitioners are disputing. According to the petitioners, they were entitled for pay scale of Rs.8000-13,500/- i.e. pay scale which is payable to the Principal which is the promotional post from the post of Lecturer.

3. The contention of the petitioners is that, in the School Education Department, the Lower Division Teacher (LDT) on completing 12 years of service is given pay scale of Upper Division Teacher (UDT). Likewise UDT on completing 12 years of service is given pay scale of Lecturer. Similarly, the petitioners, who were Lecturer, on completing 12 years of service should have been given the pay scale of Principal. This has led to the filing of the present writ petition.
4. Along with additional reply of the respondents (Annexure R/2), they have filed a copy of scheme namely Time Bound Advancement Scheme. In the scheme itself it is clearly reflected that the persons who have 12 years or 24 years of service, as the case may be, would be entitled for the next higher pay scale in the department. The said scheme also prescribes different pay scales and the corresponding pay scale that a person would get on getting the benefit of Kramonnati. Entry-9 in the said schedule reflects the pay scale which the petitioners were drawing before grant of benefit of Kramonnati. Schedule also reflects the next pay scale that the petitioners would be entitled for on completing 12 years of service. The schedule specifically provides that the pay scale corresponding to 5500-9000 is 6500-10,500.
5. Indisputably, the petitioners have been granted this pay scale w.e.f. the date the petitioners have got the benefit of Kramonnati i.e. from the date they completed 12 years of service. Nowhere this Time Bound Advancement Scheme provides that the benefit of Kramonnati would mean that the petitioners or the employee concerned would be entitled for

the pay scale of the promotional post. Reference in Clause-5 of the said Scheme is that they would be entitled for the next higher pay scale in the department.

6. Given the aforesaid Clause and the Schedule provided in the said Time Bound Advancement Scheme, this court is of the opinion that the petitioners have infact rightly been granted the pay scale of Rs.6500-10,500/- as the pay scale on Kramonnati. There does not seem to be any discrepancy or anomaly so far as grant of said pay scale is concerned.
7. The writ petition accordingly fails and is dismissed. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge

inder