

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 5048 of 2010

1. Rakesh Kumar Jaiswal And Ors. S/o Shri Abnezar Toppo, Working As Radiographer, Govt. Hospital, Community Health Centre, Shankargarh, Distt. Sarguja, Chhattisgarh.
2. Bilokan Toppo S/o Shri Abnezar Toppo, Working As Radiographer, Govt. Hospital, Community Health Centre, Shankargarh, Distt. Sarguja, Chhattisgarh.
3. Neetu Singh D/o Shri Ramesh Singh, Working As Radiographer, Govt. Hospital, Community Health Centre, Lakhanpur, Distt. Sarguja, Chhattisgarh.
4. Omkar Sahu S/o Shri P.L. Sahu, Working As Radiographer, Govt. Hospital, Community Health Centre, Prem Nagar, Distt. Sarguja, Chhattisgarh.
5. Baleshwar Yadav S/o Shri Banshidhar Yadav, Working As Radiographer, Govt. Hospital, Community Health Centre, Udaipur, Distt. Sarguja, Chhattisgarh.
6. Dileep Singh Marabi S/o Shri Baratu Singh, Working As Radiographer, Govt. Hospital, Community Health Centre, Balrampur, Distt. Sarguja, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through the Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Director, Directorate Health Services, Chhattisgarh Raipur, Chhattisgarh.
3. Chief Medical And Health Officer, Distt. Sarguja, Chhattisgarh.

---Respondents

For petitioner	:	Mr. Pranjal Shukla, Advocate.
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/01/2019.

1. The present petition has been filed substantially claiming for the following relief:-

“To kindly issue an appropriate writ or directions to the respondents to grant fixed salary to the petitioners as provided

in the memo dated 18/09/07 and 09/09/09 issued by the department of finance.”

2. The grievance of the petitioners, it seems, is that the petitioners who were appointed on contractual basis as “Radiographer” by the respondents were being paid fixed salary and the petitioners, when they were appointed, were paid the fixed salary as fixed by the State Government vide Annexure P-3 dated 13/01/2005. Subsequently, the State Government revised the said salary paid to the contractual employees vide circular dated 18/09/2007 and which was later on further revised vide circular dated 09/09/2009, both issued by the Finance Department, Government of Chhattisgarh. According to the petitioners, though the respondents have revised fixed salary payable to the petitioners, it was not implemented, and therefore, the writ petition has been filed.
3. The respondents' State Counsel however, opposing the petition submits that the petitioners are not entitled for anything in excess than what was fixed by the State Government, so far as the fixed salary of the petitioners is concerned. The State Counsel further referring to the circular dated 18/09/2007 (Annexure P-8) contended that the petitioners would also not be entitled for any additional allowances, and thus, prayed for the dismissal of the writ petition.
4. Perusal of the records reveal that the writ petition was filed way back in the year 2010. The relief sought for by the petitioners is for implementation of the revised salary payable to a contractual employee, revised by the State Government vide circular dated 18/09/2007 (Annexure P-8) and 09/09/2009 (Annexure P-14).

5. Now, coming to the relief sought for, it would clearly reveal that the petitioners have in fact, prayed only for the implementation of the order Annexure P-8 and Annexure P-14.
6. Most probably pending the writ petition, the petitioners must have been paid the salary that was payable to them as revised by the State Government from time to time. The Counsel for the petitioners also was unable to inform the Court whether the petitioners have down the line been given the relief sought for. So far as the prayer for the implementation of the revised salary is concerned, there can be no dispute that the petitioners , if they were working during the period when the revision of the salary has taken place, they would be entitled for the benefit as per the revised structure brought into force from time to time. The State Counsel also was unable to give a satisfactory report as to whether it is being implemented or not. Both the parties were not even in a position to inform the Court as to whether the petitioners are still in employment or not.
7. Given the said facts, the present writ petition, in its present form, stands disposed off, holding that in case if the petitioners have worked with the respondents after 18/09/2007 and also after 09/09/2009, they would be entitled for the salary on the basis of the revised structure as implemented by the State Government vide the two circulars.
8. The writ petition accordingly stands disposed off in case if the petitioners are found to be entitled for the benefit of the revised salary structure as per circulars dated 18/09/2007 and 09/09/2009, and which if not paid, the same be calculated and paid to the

petitioners at the earliest after due verification within an outer limit of 4 weeks from the date of receipt of the copy of this order.

9. The writ petition accordingly stands disposed off.

Harneet/Vivek

Sd/-
(P. Sam Koshy)
JUDGE