

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2888 OF 2019**

1. Pyare Lal Vishal S/o Sahdev Vishal Aged About 57 Years Working As Head Master And Posted At Govt. Primary School Pirda, Block Pithora, District Mahasamund Chhattisgarh.
2. Ambedkar Pandow S/o Late Shri Hari Pandow Aged About 61 Years Working As Head Master And Posted At Govt. Middle School Boerdih Block Pithora, District Mahasamund Chhattisgarh.
3. Jaldhar Kashyap S/o Heeraram Kashyap Aged About 61 Years Working As Head Master And Posted At Govt. Primary School Dharampur, Block Pithora, District Mahasamund Chhattisgarh.
4. Motiram Dhruw S/o Shri Jhagru Ram Dhruw Aged About 61 Years Working As Head Master And Posted At Govt. Primary School Patandadar, Block Pithora, District Mahasamund Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Director Public Instruction, Pension Bada Raipur, District Raipur Chhattisgarh.
3. District Education Officer Mahasamund, District Mahasamund Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Ajay Shrivastava, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.04.2019**

1. The petitioners were initially appointed as Deputy Teacher on a fixed pay of Rs.150/-. After completion of probation period, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was

dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners also submits that this Court, while, considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P.(S) No. 4725/2006) by order dated 01.09.2006, allowed the petitioners to make a representation along with copy of the petition and annexures within a period of ten days, raising all their grievances and in turn the concerned respondent was directed to decide the representation in an objective manner within a period of 30 days from the date of receipt of the representation. Other similarly placed employees had also filed a writ petition i.e. WPS No. 1990 of 2011 which was also disposed of in favour of the petitioners therein vide order dated 15.04.2011.
5. Accordingly, the petitioners are granted liberty to make representation raising all their grievances and in turn, the concerned respondent is directed to decide the representation, if any, in accordance with law, on its own merits, within a period of 8 weeks from the date of receipt of the representation.
6. In view of the foregoing, this petition is disposed of. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge