

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 468 of 2019**

Dinesh Kumar Pandey S/o Late Shri Rajaram Pandey Aged About 58 Years Presently Working As Assistant Draftsman In The Office Of Executive Engineer, P.W.D. Bilaspur Division No. 1, R/o Q. No. H-3, Behind Circuit House Vikas Nagar, 27 Kholi, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Public Works Department, Police Station Rakhi, Tahsil Arang, Naya Raipur, District Raipur Chhattisgarh.
2. Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur, District Raipur Chhattisgarh.
3. Chief Engineer Public Works Department Raipur, District Raipur Chhattisgarh.
4. Executive Engineer Public Works Department, Bilaspur Division, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Kishore Narayan, Advocate
For State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/05/2019**

1. The present MCC has been filed seeking modification of the order dated 18.01.2019 passed in WPS No. 359/2019. Modification also has been sought for in MCC No.149 of 2019 decided on 19.02.2019.
2. The brief facts of the case is that, the petitioner had originally filed a writ petition vide WPS No.359 of 2019 seeking for a direction to consider the case of the petitioner for grant of regular pay scale and annual increments for the period that the petitioner had rendered prior to his regularization in the department. The relief sought for was on the basis of the decision rendered by the State Administrative Tribunal in Original Appeal No.1979 of 1991 (Satish Kumar Mandloi Vs. State of MP & Another). In the petition, the post which the

petitioner was holding is reflected as “Tracer”, however, inadvertently when the writ petition was disposed on 18.01.2019, the order reflected the post of the petitioner as “Sub Engineer”. For correction of the said error, the petitioner filed MCC No.149 of 2019. The said MCC was allowed on 19.02.2019. However, again on account of error on the part of the petitioner, the post of the petitioner got wrongly typed as “Assistant Draftsman” instead of “Sub Engineer” whereas, it ought to have been “Tracer” instead of “Assistant Draftsman”. It is for this correction that the petitioner has filed the present MCC seeking modification of the original order dated 18.01.2019.

3. The State counsel, at this juncture, opposing the MCC submits that since there would be a change on the post of the petitioner, the question of his entitlement for the relief sought for becomes doubtful as the case of Satish Kumar Mandloi (Supra) was in respect of Sub Engineer appointed on daily wage basis and then regularized in the department, other than this, the State counsel does not opposes the modification.
4. Given the said facts, the order dated 18.01.2019 stands modified to the extent that in the second line of the said order “Sub Engineer” shall be read as “Tracer”. However, it is made clear that since there is a change in the post of the petitioner in the original order, the scrutiny which the respondent-State authorities are required to do includes whether the petitioner who is basically a Tracer in the department would be entitled for the similar benefits which has been extended to the Sub Engineers or the petitioner in the petition decided by the SAT in OA No.1979 of 1991 in case of Satish Kumar

Mandloi (Supra). Subject to verification of the said facts, the authorities shall pass a suitable order.

5. With the aforesaid observations, the MCC stands allowed and disposed of. The authorities shall treat the claim of the petitioner to be that of post of Tracer subject to verification, as stated above.
6. Let a copy of this order be made part of records of WPS No.359 of 2019.

Sd/-
(P. Sam Koshy)
Judge

inder