

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 9 of 2018**

Mohammad Iqbal Khan S/o S/o Late Sukkulal Yadav Aged About 67 Years R/o House No. 1741, Nuri Nagar, Main Road, Shastri Ward, Gohalpur, Police Station Gohalpur, Jabalpur, District Jabalpur

---- Appellant**Versus**

1. Managing Director Chhattisgarh State Power Generation Company Ltd., Daganiya, Raipur, District Raipur Chhattisgarh.
2. Executive Director, Office Of Executive Director Finance, Chhattisgarh State Power Generation Company Ltd., Daganiya, Raipur, District Raipur Chhattisgarh.
3. Chief Engineer, Office Of Chief Engineer, H. R. D. Chhattisgarh State Power Generation Company Ltd., Korba East, Korba District Korba Chhattisgarh.
4. Superintending Engineer H R D , Chhattisgarh State Power Generation Company Ltd., Korba East, Korba District Korba, Chhattisgarh.
5. Senior Accountant H R D , Chhattisgarh State Power Generation Company Ltd, Korba East, Korba, District Korba, Chhattisgarh.

---- Respondents

For Appellant	: Shri Pawan Shrivastava, Advocate.
For Respondents	: Shri N.K. Vyas, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****04/01/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Writ application of the Appellant was dismissed by the learned Single Judge vide his order dated 19.07.2017. The relief which he was looking for in the writ application was to create some kind of parity between the pay and the pension which one Shri Ramdayal Shrivastava was getting after superannuation vis-a-vis him.
3. It was pleaded before the learned Single Judge that even though Ramdayal Shrivastava was junior to him and had superannuated prior to him, he was getting

more pension than the present Appellant.

4. The learned Single Judge, after having taken into consideration the evidence and pleadings had recorded his opinion as to the reason for rejection of the writ application in the following words :-

“5. In the return, it has been emphatically stated, which has not been denied by any rejoinder that the case of Ramdayal Shrivastava is different from that of the petitioner due to following reasons :

(a) Shri Ramdayal Shrivastava was given benefit of one increment on 06.04.1988 on the basis of he having undergone family planning operation.

(b) The petitioner submitted first option for higher pay scale on 27.11.1989 due to which, he suffered loss of one increment whereas Shri Ramdayal Shrivastava has opted for first higher pay scale on the date it became due to him with the result that he got benefit of one increment.

(c) The petitioner had opted for second pay scale on 10.05.1997 whereas Shri Ramdayal Shrivastava claimed the same only when it become due.

(d) As Shri Ramdayal Shrivastava had reached the stage of stagnation, his date of increment was changed as 01.12.2005.

(e) The date due for increment in case of the petitioner was after his retirement whereas the date due for increment in case of Ramdayal Shrivastava was prior to his retirement. Thus, the petitioner could not get the increment because he retired before the due date of increment whereas Ramdayal Shrivastava was given the increment as he retired after the due date of increment.

6. In view of the above comparison, it is clear that the petitioner is not justified in claiming parity with the case of the Ramdayal Shrivastava in the matter of fixation of pay.”

5. The answer is obvious as to why the difference in the pay as well as pension has emerged between him and the said Ramdayal Shrivastava.

6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE