

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1350 of 2016

1. Vinod Kumar Cherian S/o Shri M.G. Cherian, Aged About 51 Years
Posted As S.I. (M), Office Of Superintendent Of Police Kondagaon,
District Kondagaon, Chhattisgarh
2. Mahendra Gupta, S/o Shri Badri Vishal Gupta, Aged About 47 Years,
Posted As S.I. (M) Office Of Superintendent Of Police S.T.F. Baghera,
Durg, District Durg, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Finance Department,
Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Secretary, Department Of Home Department, Mahanadi Bhawan,
Mantralaya, New Raipur, District Raipur Chhattisgarh
3. Director General Of Police, Police Headquarters, Civil Lines, Raipur,
District Raipur, Chhattisgarh
4. Superintendent Of Police, Kondagaon, District Kondagaon Chhattisgarh
5. Superintendent Of Police S.T.F., Baghera, Durg, District Durg
Chhattisgarh
6. Joint Director, (Treasury, Accounts, And Pension) Bastar Division,
Kondagaon, District Kondagaon, Chhattisgarh
7. Joint Director, (Treasury, Accounts And Pension) Durg Division, District
Durg, Chhattisgarh

---- Respondents

Writ Petition (S) No. 1487 of 2016

1. Vijay Kumar Swarnkar S/o Late Shri Nirbhay Ram Swarnkar, Aged About
40 Years, A S I (M) Office Of Superintendent Of Police, S T F, Baghera,
Durg, District Durg, Chhattisgarh
2. Sanjeev Kumar Shriwas S/o Late Shri Shankar Singh Shriwas, Aged
About 42 Years, ASI(M) Office Of Commandant 2nd Batallion C A F,
Sakri, Bilaspur, District Bilaspur, Chhattisgarh

3. Sudhir Shrivastava S/o Shri B. K. Shrivastava, Aged About 39 Years, ASI(M), Office Of Superintendent Of Police, Bilaspur, District Bilaspur, Chhattisgarh
4. Navratan Rathore S/o Manharanlal Rathore, Aged About 43 Years ASI(M), Office Of Commandant 11th Battalion C A F, Bharat Rakshik, Janjgir Champa, District Janjgir Champa, Chhattisgarh
5. Jeevan Lal Sahu S/o Shri Bisauha Ram Sahu, Aged About 34 Years, ASI(M), Office Of Commandant 17th Battalion C.A.F., Kabeerdham, District Kawardha, Chhattisgarh
6. Oshant Kumar Chandra, S/o Ram Prasad Chandra, Aged About 49 Years A S I M, Posted In The Office Of Superintendent Of Police, Attached In The Office Of Superintendent Of Police, Jashpur, District Jashpur, Chhattisgarh
7. D. D. Vaishwade, S/o Late Shri R.K. Vaishwade, Aged About 47 Years Retired Assistant Sub Inspector Ministerial, R/o Near Santoshi Mandir, Shyam Nagar, Raipur, Post Ravigram, P.S. Telibandha, District Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Finance Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Secretary, Department Of Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. Director General Of Police, Police Headquarters, Civil Lines, Raipur, District Raipur, Chhattisgarh
4. Superintendent Of Police, Bilaspur, District Bilaspur, Chhattisgarh
5. Commandant, 2nd Battalion C A F, Sakri, Bilaspur, District Bilaspur, Chhattisgarh
6. Superintendent Of Police, S T F, Baghera, Durg, District Durg, Chhattisgarh
7. Superintendent Of Police , Jashpur, District Jashpur, Chhattisgarh
8. Commandant, 11th Battalion C A F, Bharat Rakshik, Janjgir Champa, District Janjgir Champa, Chhattisgarh

9. Commandant, 17th Battalion C.A.F., Kabeerdham, District Kawardha, Chhattisgarh
10. Joint Director, Treasury, Accounts And Pension Durg Division, District Durg
11. Joint Director, Treasury, Accounts And Pension, Bilaspur Division, District Bilaspur, Chhattisgarh
12. Joint Director, Treasury, Accounts And Pension Sarguja Division, District Sarguja, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Naushina Afrin Ali, Advocate
For State	:	Ms. Sunita Jain, G.A. for the State.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2019

1. Since the factual matrix of the case and the relief sought for in both the petitions being similar, the two writ petitions are being disposed of by this common order with the consent of the parties.
2. The grievance of the petitioners in both these writ petitions is that the petitioners have been denied the grant of ad hoc pay increase which was paid to other similarly placed persons.
3. Counsel appearing for the parties jointly submit that the issue raised by the petitioners herein has already been considered and decided by this Court in a couple of writ petitions leading among which being WPS No. 4563/2006 (Abdul Nawab Khan Vs. State of Chhattisgarh and others) decided on 07.05.2009. The said order was also put to test before the Supreme Court and the Supreme Court also affirmed the order passed by this Court and it is stated at the bar that the said order has since been complied with. Later on, a couple of writ petitions have also been disposed of vide order dated 03.07.2015 in WPS No. 4523/2014 (Francis

Xavier Back and others Vs. State of Chhattisgarh and others) and other connected petitions.

4. At this juncture, counsel for the petitioners submits that pursuant to the order passed in the case of Abdul Nawab Khan (supra), the State Govt. has passed certain instructions which have been collectively marked as Annexure P-3 dated 03.12.2013, 15.04.2014, 11.07.2014, 09.03.2015 & 07.11.2015.
5. So far as the issue decided by this Court through the judgment passed in the case of Abdul Nawab Khan and also in the case of Francis Xavier Back (supra) is concerned, the same is not disputed by the State counsel.
6. Given the aforesaid factual matrix of the case, this Court is of the opinion that the present writ petitions also deserve to be disposed of in similar terms.
7. Accordingly, both the writ petitions are disposed of in similar terms. Since the Department has already constituted a Committee in this regard as per the directions passed in the case of Francis Xavier Back (supra), let the case of the petitioners herein also be examined by the said Committee in the light of the decisions rendered earlier and the circulars of the State Govt. in this regard and an appropriate decision be taken at the earliest.
8. Counsel for the petitioners, at this juncture submits that the petitioners have already made representations in this regard to the authority concerned.
9. Hence, liberty is left open for the petitioners to prefer a fresh representation within a period of 2 weeks from today before the competent authority and the Committee thereafter shall examine the issue in similar terms and take a decision as to whether the petitioners are entitled for similar benefits or not which has been given to the similarly placed persons.

10. Let the Committee take a decision within an outer limit of 90 days from the date of receipt of fresh representation of the petitioners. It shall be the responsibility of the petitioners to apprise the Committee as well as respondent no.2 in respect of the order passed by this Court.
11. With the aforesaid observation the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge

Khatai