

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7831 of 2019

Deepak Kumar Nishad S/o Late Shri Heera Singh Nishad Aged About 24 Years
Occupation Head Constable (M) Presently Working Under The Office Of
Superintendent Of Police Raipur District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Home Affairs Police Department Mahanadi Bhawan Atal Nagar Mantralaya District Raipur Chhattisgarh.
2. The Secretary Finance Mahanadi Bhawan New Mantralaya Raipur Chhattisgarh.
3. The Director General Of Police Police Head Quarters Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Nisha Tolwani, Advocate
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/09/2019

1. Grievance of the Petitioner is that, the Petitioner working as Head Constable (Ministerial) and posted at Raipur under the Respondents is being denied the grant of ad-hoc pay increase which has been granted to other similarly placed persons but who were not in Ministerial cadre.
2. Counsel for the Petitioner submits that the grievance involved in the present writ petition has already been adjudicated upon in favour of the other similarly placed persons in Writ Petition (S) No. 4563 of 2006 [Abdul Nawab Khan & Others v. The State of Chhattisgarh & Others], decided on 7.5.2009. The judgment passed by this Court in Writ Petition (S) No. 4563 of 2006 has been affirmed even up till the stage of Supreme Court. Subsequently, another batch of petitioners filed a writ petition i.e., Writ Petition No. 4523 of 2014 [Francis Xavier Back & Others v. State of Chhattisgarh & Others], and the said writ petition also got disposed on 3.7.2015, granting the benefit which has been extended to the other similarly placed persons in the light of

the decision rendered in the case of Abdul Nawab Khan (supra). Counsel for the Petitioner therefore prays that the Respondents may further be directed to consider the case of the Petitioners also in similar line.

3. Counsel for the State submits that the matter needs to be verified from the records whether the case of the petitioner is identical or not and the relief can be extended subject to the petitioner being identically placed.
4. Accordingly, the present writ petition is also disposed of in similar line as in the case of Francis Xavier Back & Others v. State of Chhattisgarh, decided on 3.7.2015 in Writ Petition (S) No. 4523 of 2014.
5. In case, if the Petitioner is found eligible, the relief as sought for may be released to him forthwith and if Respondents find that the Petitioner is not entitled, he may be suitably intimated in this regard giving reasons for his not entitlement.
6. Let this exercise be done within a period of 90 days from the date of the Petitioner presenting the certified copy of this order before the respondent authorities.
7. With the aforesaid directions, the writ petition finally stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved