

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8454 of 2019

Gokul Prasad Sharma, S/o. Late Shri Lakhan Lal Sharma, Aged About 65 Years, Retired Uchchwarg Shikshak, R/o. Mohbhattha Road, Bramhanpara Ward-07 Bemetara Block Bemetara District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Samanya Prashasan Vibhag, Shash. Karmchari Kalyan Shakha Mantralay Mahanadi Bhawan Naya Raipur Chhattisgarh
2. Secretary, School Shiksha Vibhag, Mantralay Mahanadi Bhawan Naya Raipur Chhattisgarh
3. Sanchalak, Lokshikshan Sanchalnalay- Khand-03 Indrawati Bhawan Raipur District Raipur Chhattisgarh
4. District Education Officer, Bemetara, District Bemetara Chhattisgarh
5. Sambhagiya Sanyukt Sanchalak, Kosh Lekha Avm Pension Durg District Durg Chhattisgarh
6. District Education Officer, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajendra Kumar Patel, Advocate
For State/Respondents	:	Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.10.2019

Heard.

1. Learned counsel for the petitioner submits that the petitioner was promoted on 13.10.2010, subsequently on the basis of the judgment passed in W.P. 4012 of 2013 on 01.08.2017 seniority of the persons/teachers who were promoted were to be calculated from the year 2010. Considering such fact on 19.09.2018 by Annexure P-5, letter was written by the District Education Officer Raipur to all the concerned that the seniority of the persons who were promoted to be fixed as per the gradation list of 2010. However, since the petitioner was retired on 31.12.2016, the petitioner has been deprived of his revised pay scale and other emoluments of retiral dues, though he is entitled for the same. It is contended that the petitioner has made a

representation to the respondent No.3, Director Public Instructions by Annexure P-2 but the same remains undecided; thereby the petitioner is also deprived of his benefit which may accrued to him by reckoning his seniority.

2. Perused the documents. The letter Annexure P-5 reflects that the direction was given by the District Education Officer, Raipur to count the seniority of the teachers/headmasters from 2010. The said letter was issued on 19.09.2018. Since the petitioner has retired on 2016, it appears he has not been given the benefit to count his seniority, which obviously would grant the benefit to get higher pay scale in terms of the pension and other retiral dues. Under the circumstances, since earlier representation is way back of 2018, the petitioner is allowed to make a fresh representation within three weeks before the respondent No.2 & 3 who in turn shall decide the same within a period of 90 days. Thereafter, accordingly the retiral benefits accrued to the petitioner may be granted.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge