

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8513 of 2019

Vijay Kumar Bharti S/o. Shri Baijoram Aged About 54 Years working as Sub-Engineer, Public Works Department Koriya Division, Manendragarh, Police Station- Manendragarh, District : Koriya (Baikunthpur), Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur , District : Raipur, Chhattisgarh
2. The Engineering-In-Chief Public Works Department, North Block, Sector-19, Nirman Bhawan, Atal Nagar, New Raipur , District : Raipur, Chhattisgarh
3. The Chief Engineer Public Works Department, Surguja Zone, Ambikapur, District-Surguja District : Surguja (Ambikapur), Chhattisgarh
4. The Executive Engineer Public Works Department, Koriya Division, Manendragarh, District-Koriya , District : Koriya (Baikunthpur), Chhattisgarh
--- Respondents

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate

For the Respondent : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-10-2019

1. The grievance of the petitioner is that he was not granted increment on the ground that he has not passed the departmental examination which led to a different dispute. It is stated that in earlier round of litigation order was passed by the coordinate Bench of this Court on 23.07.2015 in WPS No.6620 of 2014. Para 4 of the said order is relevant here and quoted below:

“4. Perusal of the circular published in the Suvidha Hand Book would reveal that the same has been issued by the Revenue Department for departmental examinations for the officers belonging to the cadre of Assistant Collectors, Deputy Collectors and Superintendents of the Office of

Collectors and Revenue Commissioners and not for the Sub-Engineers belonging to the Public Works Department. Since admittedly, the petitioner has not passed the departmental civil engineering examination, he is not eligible for time bound pay-scale.”

2. It is stated that now the petitioner has passed the departmental examination (civil engineering), therefore, he is entitled for the time bound pay-scale, increment etc. It is further contended that after passing the examination, the petitioner has made a representation which may be directed to be decided.
3. A perusal of the documents shows that the petitioner has now passed the departmental examination, therefore, it appears that he is entitled to get the benefits of annual increment and time bound pay scale. and salary. The documents further show that the petitioner has already made representation to the Chief Engineer, Public Works Department 12.06.2019 which is pending. Considering the same, it is directed that the petitioner shall be at liberty to make a fresh representation to respondent No.2 narrating all the facts along-with all documents and if such representation is filed within period of 15 days, the same shall be considered and decided within a further period of 60 days.
4. This writ petition accordingly stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**