

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1433 of 2011**

Phool Sai Bhardwaj, S/o Late Shri Tengnu Bhardwaj, Aged about 61 years,
R/o. Village Tusar, Police Station Jaijaipur, District Janjgir-Champa,
Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh, Through- The Secretary, Department of Tribal Welfare, DKS Bhawan Raipur, District- Raipur, Chhattisgarh
2. The Assistant Commissioner, Department of Tribal Welfare, Janjgir, District Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K. Kalamkar, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/06/2020**

1. The relief sought for by the petitioner in the present writ petition is for an appropriate direction to the respondents for grant of the benefit of second time bound pay scale to the petitioner on his completing requisite length of service after obtaining the first benefit of time bound pay scale.
2. Perusal of the record would show that in the reply that the State has filed, the only ground for not granting the benefit of second time bound pay scale to the petitioner was on the ground that he has recently been transferred at his own request and thereby he would loose his seniority. This Court is of the view that question of determining the seniority is an entirely different perspective. So far as granting of time bound pay scale is concerned, it is only the requisite length of service, which is required to be determined. In the instant case, the date of appointment

is not under challenge nor in dispute. There is also no dispute so far as awarding of first time bound pay scale to the petitioner. Now the only issue that is to be determined is as to whether the petitioner in fact has completed the requisite length of service beyond the period of obtaining the first time bound pay scale. This aspect is silent in the reply of the State Government which has been filed.

3. So far as the ground raised by the State Government of his having being transferred at his own request, this Court is of the firm view that it would affect only the seniority of the petitioner at a recently joined place of posting, that has got nothing to do so far as granting of the time bound pay scale is concerned, for which only the requisite length of service is the determining factor.
4. Accordingly, the writ petition stands allowed and disposed of directing the respondent-State to consider the requisite length of service of the petitioner after he was granted the first time bound pay scale. If the petitioner has completed the requisite length of service, he should be considered for grant of second time bound pay scale and as a consequence he would also be entitled for all consequential benefits that would have accrued to the petitioner till his attaining the age of superannuation and his retiral dues also has to be accordingly revised, recalculated and released at the earliest.

With the aforesaid directions, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge