NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1397 of 2020

- Smt. Varsha Dewangan W/o Yogesh Dewangan Aged About 36 Years Working As Lecturer (L.B.) At Government Higher Secondary School Arjuni, Block Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Secretary Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Commissioner Cum Director Directorate Of Panchayat, Atal Nagar, New Raipur, District Raipur Chhattisgarh
4. Chief Executive Officer Zila Panchayat Baloda Bazar-Bhatapara, District Baloda Bazar-Bhatapara Chhattisgarh
5. District Education Officer District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondents

For Petitioner : Shri Govind Dewangan, Adv.

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2020

1. The grievance of the petitioner is that she was initially appointed as Shiksha Karmi, Class-I and joined service on 03.06.2009 and is entitled to get the benefit of revised pay scale with effect from 02.06.2017 as she has already completed 8 years of continuous

service by 02.06.2017, however, the said benefit was granted to him with effect from 29.08.2018 vide Annexure P-1.

2. Learned counsel for the petitioner submits that similarly situated persons have filed WPS No.95 of 2019 and WPS No.99 of 2019 for grant of arrears of pay-scales wherein this Court has passed the following order :

> "2. The limited grievance which the petitioner has raised in this writ petition by virtue of order passed by this Court in the case of Mukesh Kumar Patel Vs. State of Chhattisgarh, WPS No. 2530/2017 decided on 26.11.2017 has been granted benefit of revised pay scale on completion of 8 years of service.
> 3. Learned counsel for the petitioner submits that the grievance which now remains is that the benefit is being provided to the petitioner prospectively and though the respondents have made a calculation which the petitioner was entitled for from the date of his completion of 8 years of service but no effective orders have been passed nor have department taken any steps for release of the arrears of payment. The petitioner prays for appropriate direction to the respondents for releasing the said amount.
> 4. Without entering into the merits of the case and taking into consideration the judgment of this Court in the case of Mukesh Patel (Supra) which has also been affirmed by the Division Bench and taking note of the fact that the respondents have complied with the order to the extent of granting revised pay scale to the petitioner, let respondents 2 & 3 take an appropriate decision at the earliest so far as release of the arrears of payment which the petitioners are entitled for. Excepting a decision from the respondents within a period of 90 days from the date of receipt of copy of this order, the present writ petition stands disposed off."

3. Learned State Counsel do not dispute the fact that the similar issue raised in this case has been decided by this Court in W.P(S) No.95 of 2019 & WPS No.99 of 2019.

4. The order passed in WPS No. 95 of 2019 and WPS No.99 of

2019 (supra) shall also be applicable to the case of present writ petitioner. It is directed that respondents 3 & 4 shall take appropriate decision at the earliest for releasing the arrears of payment which the petitioner is entitled for. It is expected that a decision shall be taken within a period of 90 days from the date of receipt of this order.

5. With the above observations, this writ petition stands finally disposed of.

Sd/-
Goutam Bhaduri
Judge

yasmin/gouri