

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2467 of 2020**

1. Arwind Chandrawanshi S/o Shri Banshi Lal Chandrawanshi Aged About 51 Years Working As Head Master, At Primary School Gadpara, Working In Block Palari, District Baloda Bazar Bhatapara, Chhattisgarh
2. Kamlesh Kumar Yadu S/o Balram Yadu Aged About 52 Years Working As Head Master, At Primary School Bamhani
3. Motilal Verma S/o Kartik Ram Verma Aged About 50 Years Working As Head Master, At Primary School Nawagaon, Working In Block Palari, District Baloda Bazar Bhatapara, Chhattisgarh
4. Omprakash Kurrey S/o Kesho Ram Kurrey Aged About 43 Years Working As Head Master, Primary School, Matwari, Working In Block Palari, District Baloda Bazar Bhatapara, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education Mantralay, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur
2. The Director Public Instructions, Chhattisgarh, Indrawati Bhawan, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh,
3. District Education Officer Education District Baloda Bazar, District Baloda Bazar - Bhatapara, Chhattisgarh
4. Block Education Officer Block Palari, District Baloda Bazar Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate
For Respondent/ State	:	Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****29/06/2020**

1. Heard.

2. Learned counsel for the petitioner contends that he was appointed as Head Master in the year 2010 and as per the government circular dated 25.03.2017 & 27.09.2017 (Annexure P-3) and 05.01.2011 (Annexure P-4) , since the petitioner has completed his D.Ed degree before joining at his own expenses, therefore the petitioner was given two advance increment. Subsequently, general order dated 07.03.2020 (Annexure P-1) was issued on the basis of which the petitioner was served with a show cause notice dated 01.06.2020 (Annexure P-2) wherein the petitioner has been asked to clarify his entitlement of two advance increment. He further submits that at the same time a general order dated 12.06.2020 (Annexure P-2) has been issued whereby recovery has been ordered.
3. Learned counsel further submits that the petitioner is entitled for two advance increments because of the reason that he has completed his D.Ed degree before joining his service at his own expenses. He further submits that the issue has been already decided by this High Court and the entitlement of petitioner is no more an issue to be adjudicated.
4. Learned State counsel would submit that on the basis of instructions i.e. order dated 07.03.2020 (Annexure P-1), show cause notice dated 01.06.2020 (Annexure P-2) has been issued to the petitioner and the petitioner can very well satisfy the authority about the entitlement that he is legally entitled to receive two advance increment as such the petition is pre -mature.
5. Perusal of order dated 01.06.2020 (Annexure P-2) would show that the petitioner has been called to place the documents whereby he can be

said to be legally entitle to receive two advance increment. It is a show cause notice.

6. Under the circumstances, since the State has called for document verification about the entitlement of the petitioner, the petitioner may approach the authority i.e. Block Education Officer who has issued the order dated 01.06.2020 (Annexure P-2) to apprise him about his entitlement for payment of two advance increments. The petitioner shall be allowed to place the necessary documents and if necessary shall also be heard.
7. In the meanwhile, till such entitlement of the petitioner is adjudicated by the authority who has passed the order dated 01.06.2020, no proceeding shall be made for the recovery of two advance increment which has already been paid to the petitioner.
8. With the aforesaid observation/ direction, the writ petition stands disposed off.

sd/-

Goutam Bhaduri
Judge