

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2616 of 2020**

- Ram Sai Tande S/o Shri Nathu Ram Tande Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Dadhakhar, Block-Kasdol, District Baloda Bazar, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, School Education Department, Mahanadi Bhawan New Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. The Director Directorate, Public Instruction Indravati Bhawan New Mantralaya, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh
3. District Education Officer Baloda Bazar District- Baloda Bazar, Chhattisgarh
4. Block Education Officer Block Kasdol, District Baloda Bazar, Chhattisgarh

---- Respondents

For Petitioner : Shri R.S. Patel, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****10/07/2020**

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 08.06.2020 (Annexure P-1) 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-7) has been issued whereby recovery has been ordered.

3. Learned counsel further submits that the petitioner is entitled for two advance increment 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 08.06.2020 (Annexure P-1) 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 08.06.2020 (Annexure P-1) 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 an show cause notice.
6. Under the circumstances, since the Sate 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 08.06.2020 (Annexure P-1) to apprise him about his entitlement for payment of two advance increment. The petitioner shall be allowed to place the necessary document and if necessary shall also be heard.

7. In the meanwhile, till such entitlement of the petitioner is adjudicated by the authority who has issued the show-cause notice dated 08.06.2020, 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, the petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge

Ashu