

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2718 of 2020**

- Rupesh Kumar Bhargav S/o Late Surit Ram Aged About 50 Years Working As Head Master In Govt. Primary School Telashi Block Palari, District Balodabazar Bhatapara Chhattisgarh. R/o Village Khauna Via Kharora, P.O. Khauna, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh.
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 : Shri Rakesh Thakur, Advocate

For Respondent/ State : Shri Amrito Das, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****15/07/2020**

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 05.01.2011 (Annexure P-3) and 27.09.2017 (Annexure P-4), since the

petitioner has completed his B.Ed degree before joining at his own expenses, therefore the petitioner was given two advance increment. Subsequently, general order dated 07.03.2020 was issued on the basis of which the petitioner was served with a show cause notice dated 01.06.2020 (Annexure P-5) 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 B.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, show cause notice dated 01.06.2020 (Annexure P-5) 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-5) 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 01.06.2020 (Annexure P-5) 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 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, the petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge

Jyoti