

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2714 of 2020**

1. Bharat Lal Gahre S/o Shri Tej Ram Gahre Aged About 40 Years Working As Head Master And Posted At Government Primary School Pairaguda, Block Kasdol, District Baloda Bazar Chhattisgarh
2. Man Singh Kanwar S/o Shri Bahoran Lal Kanwar Aged About 45 Years Working As Head Master And Posted At Government Primary School Rwan, Block Kasdol, District Baloda Bazar Chhattisgarh
3. Shatrughan Kumar Dahriya S/o Shri Agarchand Dahriya Aged About 45 Years Working As Head Master And Posted At Government Primary School Sukda, Block Kasdol, District Baloda Bazar Chhattisgarh.
4. Bhuneshwar Lal Tande S/o Shri Dashru Ram Tande Aged About 48 Years Working As Head Master And Posted At Government Primary School Bhadora, Block Kasdol, District Baloda Bazar Chhattisgarh.,
5. Piloo Ram Purena S/o Shri Ghuruwa Ram Purena Aged About 52 Years Working As Head Master And Posted At Government Primary School Lirideepa, Block Kasdol, District Baloda Bazar Chhattisgarh.
6. Fagu Ram Mandle S/o Shri Sukhi Ram Mandle Aged About 49 Years Working As Head Master And Posted At Government Primary School Hatoud, Block Kasdol, District Baloda Bazar Chhattisgarh
7. Kiran Bala Saytode D/o Shri Gangaa Sagar Saytode Aged About 43 Years Working As Head Master And Posted At Government Primary School Gindola, Block Kasdol, District Baloda Bazar Chhattisgarh.
8. Mansha Ram Ghritlaharey S/o Shri Makhan Ram Ghritlaharey Aged About 44 Years Working As Head Master And Posted At Government Primary School Bamhani, Block Kasdol, District Baloda Bazar Chhattisgarh
9. Nakul Ram Netam S/o Shri Angad Ram Netam Aged About 49 Years Working As Head Master And Posted At Government Primary School Bansuldeeh Sonpur, Block Kasdol, District Baloda Bazar Chhattisgarh.
10. Ram Chandra Dhruw S/o Shri Bhadu Ram Dhruw Aged About 46 Years Working As Head Master And Posted At Government Primary School Khairwardeeh, Block Kasdol, District Baloda Bazar Chhattisgarh
11. Ramsay Dhruw S/o Shri Kartik Ram Dhruw Aged About 45 Years Working As Head Master And Posted At Government Primary School Nawadeeh Jhabdi, Block Kasdol, District Baloda Bazar Chhattisgarh.

---- Petitioners

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 : Mr. R.S. Patel, Advocate

For State : Mr. 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 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 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 08.06.2020 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 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 08.06.2020 (Annexure P-1) 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 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/ direction, the writ petition stands disposed off.

sd/-

Goutam Bhaduri
Judge

Vishakha