

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2994 of 2020

1. Manthir Prasad Ghritlahare S/o Shri Dataram Ghritlahare Aged About 47 Years Working As Head Master And Posted At Government Primary School Sonaidi, Block Kasdol, District Baloda Bazar Chhattisgarh
2. Vinod Kumar Chelak S/o Shri Narayan Ram Chelak Aged About 47 Years Working As Head Master And Posted At Government Navin Primary School Shayamnagar, Hasaud, 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 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 petitioners – Shri R.S. Patel, Advocate.
For State- Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/08/2020

1. Heard.
2. Learned counsel for the petitioners contends that the petitioners were 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 petitioners have completed their D.Ed degree before joining at their own expenses, therefore the petitioners were given two advance increment. Subsequently, general order dated 07.03.2020 (Annexure P-1) was issued on the basis of which the petitioners were served with a show cause notice dated 08.06.2020 wherein the petitioners have been asked to clarify their 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 petitioners are entitled for two advance increment because of the reason that they have completed their D.Ed degree before joining their service at their own expenses. He further submits that the issue has been already decided by this High Court and the entitlement of petitioners 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 have been issued to the petitioners and the petitioners can very well satisfy the authority about the entitlement that they are legally entitled to receive two advance increment as such the petition is pre-mature.

5. Perusal of order dated 08.06.2020 would show that the petitioners have been called to place the documents whereby they 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 petitioners, the petitioners may approach the authority i.e. Block Education Officer who has issued the order dated 08.06.2020 to apprise him about their entitlement for payment of two advance increment. The petitioners shall be allowed to place the necessary document and if necessary shall also be heard.

7. In the meanwhile, till such entitlement of the petitioners are 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 petitioners.

8. With the aforesaid observation, the petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE

