

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3296 of 2020**

1. Makhan Lal Chandrakar S/o Shri L.L. Chandrakar Aged About 47 Years Working As Head Master And Posted At Govt. Primary School Risda, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Smt. Sudha Verma W/o Shri Bhagirathi Verma Aged About 42 Years Working As Head Master And Posted At Govt. Primary School Sakaripar, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Karan Lal Chandrakar S/o Shri Aktu Ram Chandrakar Aged About 48 Years Working As Head Master And Posted At Govt. Primary School Singhari, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Ragho Ram Sahu S/o Shri Panch Ram Sahu Aged About 48 Years Working As Head Master And Posted At Govt. Primary School Amalkunda, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
5. Smt. Rajkumari Sahu W/o Shri Raghoram Sahu Aged About 43 Years Working As Head Master And Posted At Govt. Primary School Mishraindih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
6. Yogesh Kumar Navrange S/o Shri Dhansingh Navrange Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Bhatagao (Kokadi), Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
7. Santosh Kumar Verma S/o Shri Kewal Ram Verma Aged About 45 Years Working As Head Master And Posted At Govt. Navin Primary School Gindola, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
8. Santu Ram Dhruw S/o Shri Rangi Ram Dhruw Aged About 47 Years Working As Head Master And Posted At Govt. Primary School Dhhabadih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
9. Sabhapati Ratre S/o Shri Ram Singh Ratre Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Bamhanpuri, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
10. Lalit Kumar Dhruw S/o Chatur Singh Dhruw Aged About 48 Years Working As Head Master And Posted At Govt. Primary School Khaira, Sankul Bagbuda,

Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

11. Kamlesh Kumar Dhruw S/o Udal Ram Dhruw Aged About 50 Years Working As Head Master And Posted At Govt. Primary School Sarvadih Sankul Lawan, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
12. Smt. Sangita Patel W/o Shri Devnarayan Patel Aged About 44 Years Working As Head Master And Posted At Govt. Primary School Ahilda, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
13. Bhagirathi Verma S/o Devcharan Verma Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Karmandih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
14. Smt. Sudha Chandrakar W/o Shri Makhan Lal Chandrakar Aged About 43 Years Working As Head Master And Posted At Govt. Primary School Chhuiha Malgajari, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
15. Satrohan Lal Banjare S/o Sriram Banjare Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Paragaon, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
16. Ganesh Prasad Baghel S/o Shri Radhe Shyam Baghel Aged About 42 Years Working As Head Master And Posted At Govt. Navin Primary School Lahod, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
17. Amrit Lal Kurre S/o Shri Rathram Kurre Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Parsadih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Public Instruction Chhattisgarh Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer Baloda Bazar Bhatapara District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Block Education Officer Block Baloda Bazar District Baloda Bazar Bhatapara

Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioners : Shri Ajay Shrivastava, Advocate

For Respondents/State : Shri Amrito Das, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri

Order

21/08/2020

1. Heard.
2. Learned counsel for the petitioners contends that they were appointed as Head Masters in the year 2010 and as per the government circular dated 27.09.2017 (Annexure P-3) , since the petitioners have completed their B.T.I./B.Ed. degrees before joining at their own expenses, therefore the petitioners were given two advance increments. Subsequently, general order dated 07.03.2020 (Annexure P-2) was issued on the basis of which the petitioners were served with a show cause notice dated 04.06.2020 (Annexure P-5) 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 (Annexure P-1) has been issued whereby recovery has been ordered.
3. Learned counsel further submits that the petitioners are entitled for two advance increments because of the reason that they have completed their B.T.I./B.Ed. degree before joining 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-2), show cause notice dated 04.06.2020 (Annexure P-5) has 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 increments as such the petition is pre -mature.

5. Perusal of order dated 04.06.2020 (Annexure P-5) would show that the petitioners have been called to place the documents whereby they can be said to be legally entitled 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 04.06.2020 (Annexure P-5) to apprise him about their entitlement for payment of two advance increments. The petitioners shall be allowed to place the necessary documents and if necessary shall also be heard.
7. In the meanwhile, till such entitlement of the petitioners is adjudicated by the authority who has passed the order dated 12.06.2020, 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/ direction, the writ petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge

Ashu