

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3291 of 2020**

1. Dharam Singh Dhruw S/o Sewak Ram Dhruw, Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Manipur, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
2. Smt. Lata Dhruw, W/o Shri Dharam Singh Dhruw, Aged About 42 Years Working As Head Master And Posted At Govt. Primary School Parsapali, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
3. Prem Shankar Dhruw, S/o Awadh Ram Dhruw, Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Boirdih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
4. Smt. Lekhani Dhruw, W/o Shri Premshankar Dhruw, Aged About 44 Years Working As Head Master And Posted At Govt. Primary School Keshdabri, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
5. Bhupendra Kumar Patel, S/o Shri Tekram Patel, Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Dongara, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
6. Mohan Lal Dhruw, S/o Shri Bisouha Ram Dhruw, Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Koliyari, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
7. Smt. Amritrani Dhruw, W/o Shri Mohan Lal Dhruw, Aged About 42 Years Working As Head Master And Posted At Govt. Primary School Puran, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
8. Smt. Prabha Verma, W/o Shri Bharat Bhushan Verma, Aged About 44 Years Working As Head Master And Posted At Govt. Primary School Chhuiha Raiyatwari, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
9. Smt. Nandni Tikariha, W/o Shri Ajay Tikariha, Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Binori, Block Palari, District Baloda Bazar Bhatapara Chhattisgarh
10. Smt. Kanchana Dhruw, W/o Latel Singh Dhruw, Aged About 47 Years Working As Head Master And Posted At Govt. Primary School Pahanda, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
11. Smt. Parwati Mandavi, W/o Shri Bhuvan Kumar Mandavi, Aged About 44 Years Working As Head Master And Posted At Govt. Primary School Dhabadih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
12. Pila Ram Dhruw, S/o Shri Panch Ram Dhruw, Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Bhadra, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh

13. Ramkhilavan Dhruv, S/o Shri Tula Ram Dhruw, Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Khapari (Medhh), Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
14. Smt. Santoshi Dhruw, W/o Shri Pritam Singh Dhruw, Aged About 43 Years Working As Head Master And Posted At Govt. Primary School Rawan, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
15. Suresh Kumar Verma, S/o Punku Ram Verma, Aged About 46 Years Working As Head Master And Posted At Govt. Primary School Siriyadih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
16. Narendra Kumar Verma, S/o Shri Sewa Ram Verma, Aged About 48 Years Working As Head Master And Posted At Govt. Primary School Chirpota, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh
17. Smt. Manisha Verma, W/o Shri Narendra Kumar Verma, Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Khamhardih, Block Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh

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Versus

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

---- Respondents

For Petitioners : Shri Ajay Shrivastava, Advocate

For Respondents/State : Ms. Akanksha Jain, 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 01.06.2020/04.06.2020 (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 01.06.2020/04.06.2020 (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 01.06.2020/04.06.2020 (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 01.06.2020/04.06.2020 (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