

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3796 of 2020**

- Dr. (Smt.) Rachna Rastogi W/o Dr. Nitin Rastogi Aged About 52 Years Occupation Service, Presently Working As Lecturer (Now Designated As Assistant Professor) Posted At Government Engineering College, Raipur Chhattisgarh, R/o Professor Colony, Krishak Nagar, Jora, District Raipur, Chhattisgarh. ---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Technical Education, Manpower, Science And Technology Mantralaya, Mahanadi Bhawan Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Finance And Planning Mantralaya, Mahanadi Bhawan Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Director Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur Chhattisgarh.
4. Principal Government Engineering College, Purani Dhamtari Road, Village Sejbahar, Raipur Chhattisgarh. ---- **Respondents**

For Petitioner	:	Mr. Rajiv Shrivastava, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****29-09-2020.**

1. Heard.
2. The grievance of the petitioner is that the petitioner was appointed as a contract teacher in the year 2004 at monthly remuneration of Rs.8000/-. Subsequently, the payment was

revised by order dated 31-12-2012 (Annexure P/2) wherein she was entitled for a pay of Rs.29,400/- and thereafter pay band was revised by order dated 24-7-2017 (Annexure P/3) and lastly pay band was revised by order dated 2-8-2019 (Annexure P/7), whereby the petitioner is entitled to get pay band of Rs.40,840/-. It is further submitted that in the meanwhile, few of the other teachers filed a petition before this Court for regularization wherein the verdict was passed in favour of the similarly placed persons. The petitioner who had filed the petition and the verdict was passed in favour of the petitioner. The order passed in favour of the petitioner was subject of challenge in Writ Appeal No. 290 of 2019, wherein Division Bench of this Court on 29-7-2019 had passed the order and relevant portion thereof is reproduced herein-below.

“7. In the above circumstances, after hearing both the sides, we are of the view that the finality can be achieved only on pronouncement of the verdict by the Apex Court in the matter where the issue is pending. Hence, we are of the view that this matter need not be kept pending and the appeal could be disposed off in terms of the common verdict dated 7-12-2018 passed by this court in Writ Appeal No.14/2017, however, making it clear that the relief payable to the respondent No.1 will ultimately depend upon the legal position to be declared by the Apex Court in the matter which is pending

consideration”.

3. Learned counsel for the petitioner further submits that though the issue was pertaining to regularization, however, the petitioner has not been paid minimum wages which otherwise was being paid to other contract teachers and she is getting salary of Rs.29,400/- till date. He would further submit that under these circumstances, the petitioner has made a representation on 31-8-2019 (Annexure P/8) to respondent No.3 to release the salary which is being paid to similarly placed contract teachers along with the fact that the representation may be decided and the amount may be released. He would further submit that the petitioner lastly made a representation before the respondent No.3 on 3-6-2020 which has been forwarded by the Principal, Government Engineering College, Raipur, which still remained undecided.
4. Learned State counsel would submit that the issue pertains to regularization which is still pending before the Apex Court and after the verdict by the Apex Court and accordingly, the amount would be settled.
5. Prima facie, it appears that the issue which has been brought before this court by the petitioner is about non-payment of the salary of the revised pay scale to the petitioner which is lastly revised on 2-8-2019. The issue in respect of regularization would be a distinct subject. The petitioner claims that she is being paid salary of Rs.29,400/- till date, which was granted by

order as back as on dated 23-9-2015.

6. Under these circumstances, it is directed that respondent No.3 shall consider and decide the representation dated 3-6-2020 of the petitioner which has been forwarded by the Principal, Government Engineering College, Raipur, within a further period of three months from the date of receipt of a copy of this order and if it is found that the petitioner is entitled for the revised pay scale, salary at parity with others, the same shall be released within further period of 45 days.
7. With the aforesaid observation/direction, the writ petition stands finally disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju