

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4736 of 2020

1. Dhirendra Kumar Sahu S/o Ramji Sahu Aged About 42 Years Working As Lecturer (L.B.) At Government Higher Secondary School, Mana Camp, Block Dharsiwa, District Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Secretary Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Director Directorate Of Urban Administration And Development, Atal Nagar Naya Raipur, District Raipur, Chhattisgarh
4. Chief Municipal Officer Nagar Panchayat Mana Camp, District Raipur, Chhattisgarh
5. District Education Officer Raipur, District Raipur, Chhattisgarh
6. Block Education Officer, Dharsiwa District Raipur, Chhattisgarh
7. Chief Executive Officer Zila Panchayat Raipur, District Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Govind Dewangan, Advocate.
For State	:	Shri Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.12.2020.

Heard.

1. The limited grievance which the petitioner has raised in this writ petition is that by virtue of order passed in WPS No.6147 of 20178 (Shabnam Khatoon Vs. State of Chhattisgarh and Others) decided on 27.10.2018 the petitioner has been granted the benefit of revised pay scale on completion of 8 years of service. However, the arrears of payment from the date the petitioner has completed 8 years of service, till date the actual payment has not been made. Hence this writ petition.
2. Learned counsel for the petitioner submits that the grievance which now remains is that the benefit is being provided to the petitioner prospectively and though the respondents have made a calculation which the petitioner

is entitled from the date of his completion of 8 years but no effective orders have been passed nor have department taken any steps for release of the arrears of payment. The petitioner prays for appropriate direction to the respondents for releasing the said amount. According to the petitioner he had completed his 8 years of service on 30.04.2013 and accordingly he is entitled for the benefit of revised pay scale immediately on completion of 8 years of service. However, the benefit has been extended to the petitioner only from the year 2018. Thus the present writ petition has been filed seeking for direction to respondents to consider the claim of the arrears of benefit between 2013 to 2018.

3. The counsel for the respondents referring to Annexure P/1 submits that the petitioner has been granted the benefits as per Annexure P/1 from the date of his completion 8 of years of service which has been actually denied by the petitioner who says that he has got the actual benefits only from 2018 onwards i.e. the period from which the order Annexure P/1 was passed.
4. Without entering into the merits of the case and taking into consideration the judgment of this Court in the case of Shabnam Khatoon (supra) which has also been affirmed by the Division Bench and taking note of the fact that the respondents have complied with the order to the extent of granting revised pay scale to the petitioner, let respondents No. 2 to 4 take an appropriate decision at the earliest so far as release of the arrears of payment which the petitioner is entitled for. The petitioner should not be made to suffer on account of dues recoverable from Municipal Corporation from where his services were subsequently absorbed in the Education Department.

5. It is also made clear that in case if the petitioner has been actually granted the benefit from the date he has completed 8 years of service, which shall be duly verified by the respondents, the petitioner would not be entitled for any further relief.
6. Expecting a decision from the respondents within a period of 90 days from the date of receipt of copy of this order, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder