

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 251 of 2014**

Smt. Arvinder Bagga (Rekhi) W/o Shri Mohinder Pal Singh Rekhi,
presently working as “Head Master” at Govt. Middle School – Station
Maroda, Bhilai, District Durg, R/o Plot No.9, Cross Street-9, Pragati
Nagar, Rishali, Bhilai, Civil and Revenue District Durg (CG)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through the Secretary, Department of
School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur
(Chhattisgarh)
2. The District Education Officer, District Durg (CG)
3. The Block Education Officer, Durg, District Durg (CG)

---- Respondents

For Petitioner	:	Mr. Roop Naik, Advocate
For State	:	Mr. Kapil Maini, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.02.2021**

1. The present writ petition has been filed claiming for the following reliefs:

“i. That this Hon'ble Court may kindly be pleased to
issue a writ in the nature of mandamus to direct the
respondents authority to grant/pay the regular pay
scale with interest in favour of the petitioner from
the initial date of appointment i.e. 18.07.1975 and
quash the order dated 25.10.2013 issued by the

respondent no.2.

ii. That this Hon'ble Court may kindly be pleased to grant other relief in the favour of the petitioner, which may be suitable in the facts and circumstances of the case."

2. The basic claim of the petitioner in the present writ petition is for grant of regular pay scale with all consequential benefits from the date of initial appointment i.e. from 1975 on wards.
3. Perusal of the record would show that the petitioner initially had been engaged under the respondents for basic training on 18.07.1975. During the training period, the petitioner and similarly placed persons were paid stipend of Rs.100/- per month for one year and Rs.150/- for the subsequent years. After successful completion of basic training course the petitioner was appointed under the respondents on 10.10.1977. The petitioner started her employment with the respondents w.e.f. 10.10.1977 on wards and continued to work with the respondents pursuant to that. It is now that the petitioner has filed the writ petition claiming for the relief of regular pay scale even for the period during which she had undergone the basic training course. The petitioner in the past had made a couple of representations to the authorities concerned which subsequently got disallowed vide Annexure P-1 dated 25.10.2013 which has led to the filing of the present writ petition.
4. Perusal of the records particularly pleadings of the petitioner and other documents available on record there does not seem to be any formal order of appointment issued in favour of the petitioner showing her

appointment to have been made w.e.f. 18.07.1975 nor is there any formal order issued by the respondent State at any point of time whereby it has been held that on successful completion of basic training the petitioner would be entitled for regular pay scale with retrospective effect. On the other hand, the documents along with the writ petition would show that in the service book, the first date of appointment of the petitioner itself has been shown to be that of 10.10.1977 with an endorsement that upon the petitioner successfully completing her basic training, she has been formally appointed under the respondents on regular pay scale.

5. Given the fact that there is no document, circular or order issued by the respondents whereby they have been assured of granting regular pay scale for the training period also, this Court finds it difficult to accept the prayer made by the petitioner for grant of regular pay scale for the period during which the petitioner had in fact underwent the basic training course of 2 years. Moreover, the order only reflects that the petitioner has been paid stipend for the said period and not any salary or pay scale which itself shows that the petitioner was not engaged as a regular employee in 1975 but was undergoing Basic Training Course during the said period.
6. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
P. Sam Koshy
Judge