

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2055 of 2010**

Doman Lal Sahu, S/o Late Shri Shivcharan, Aged about 48 years, R/o Bagh Mandir Gali Lili Chowk, Raipur, Distt. Raipur, Chhattisgarh.

---Petitioner**Versus**

1.State of Chhattisgarh, Through the Secretary, Finance Department, D.K.S. Bhawan, Raipur, Chhattisgarh.

2.The Director Local Fund and Audit B-99, Main Road, Samta Colony Near Pandey Nursing Home, Raipur, Chhattisgarh.

--- Respondents

For Petitioner	:-	Mr. Suresh Tandon and Mr. Ajit Singh, Advocates
For State	:-	Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board (Through Video Conferencing)****11/06/2021**

1. Heard.

2.Mr. Ajit Singh, learned counsel for the petitioner, would submit that the petitioner was promoted on

the post of 'Senior Fund Auditor' by order dated 08/01/2010 and thereafter, by order dated 18/02/2010, the order of pay fixation on the promotional post has been issued, but while fixing the pay, the two advanced increments already granted to the petitioner after passing 'Lekha Sewa Pariksha' (S.S.S.) to the extent of Rs. 1100/- has been withdrawn, which is without jurisdiction and without authority of law. He would also submit that petitioner is entitled to get the benefit of the two advanced increments (S.S.S.) as per circular dated 29/06/1979.

3. Undisputedly, petitioner was already granted the benefit of two advanced increments (S.S.S.) to the extent of Rs. 1100/- at the own showing of respondent No. 2 which is apparent from the careful perusal of the order impugned dated 18/02/2010 (Annexure P/6), but while granting promotion to the petitioner, the two advanced increments already granted to him have been withdrawn and no opportunity of hearing was afforded to him which could not have been done. Once the advanced increment has been granted, it cannot be withdrawn without affording minimum opportunity of hearing.

4. Accordingly, the impugned order dated 18/02/2010 (Annexure P/6) is declared bad to the extent of not granting advanced increments (S.S.S.) to the tune of Rs. 1100/- to the petitioner and the State Government is directed to consider the order afresh as to whether petitioner is entitled for advanced increments (S.S.S.) from the date of promotion or not after affording an opportunity of hearing to the petitioner within two months from the date of receipt of a copy of this order.

5. With the aforesaid observation, this writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet