

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1989 of 2008**

Baby T. Verghese, S/o. Late Shri T.V. Verghese,
Occupation-Estate Manager (Retired) R/o. House No.F-
10, Padmanabhpur, Durg, District-Durg (CG)

----- **Petitioner**

Versus

- 1.State of Chhattisgarh, Through-Secretary, Housing
D.K.S. Bhavan, Mantralaya, Raipur (CG)
- 2.C.G. Housing Board, Through its Commissioner,
Shankar Nagar, Raipur (CG)
- 3.M.P. Housing Board, Through its Commissioner,
Paryawas Bhawan, Mother Teresa Marg, Bhopal (MP)

----- **Respondents**

For Petitioner	:	Mr.Sunil Pillai, Advocate
For Respondent No.1:		Mr.Ravi Bhagat, Dy.G.A.
For Respondent No.2:		Mr.Sanjay Patel,
For Respondent No.3:		None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

2/7/2021

1. The petitioner was promoted on the post of Estate
Manager in M.P.Housing Board on 26.9.1994 and
thereafter, he was promoted on the post of Accounts
Officer on 31.7.2000 and thereafter on 31.1.2001 he
being Accounts Officer of the M.P.Housing Board
stood superannuated from that Board though at that
very time he was posted at Durg in the territory of
the State of Chhattisgarh, but thereafter
C.G.Housing Board was constituted on 12.2.2004.

Thereafter, on 10.3.2004 the Madhya Pradesh High Court rendered a decision in which the Estate Managers of the M.P.Housing board were held to be entitled for pay scale of Rs.2200-4000 in writ petition filed by some of the Estate Managers being Writ Petition No.2879/2001 (Vivek Diwan and others v. State of Madhya Pradesh and others). Thereafter, the petitioner also filed writ petition being WP No.15721/2005 (S) before the High Court of Madhya Pradesh claiming the same benefit as given to Vivek Diwan and others by the Madhya Pradesh High Court, but the petitioner for reason best known withdrawn that writ petition on 12.3.2007 and this writ petition was filed before this Court on 16.1.2008. In the meanwhile, the petitioner's representation to the C.G.Housing Board claiming pay scale as granted by the Madhya Pradesh High Court in vivek Diwan (supra) has been rejected by the C.G.Housing Board on 13.7.2007, which has been called in question in this writ petition.

2. Return has been filed by the C.G.Housing Board stating that the petitioner has already retired from the post of Accounts Officer from M.P.Housing Board on 31.1.2001 as the C.G.Housing Board was constituted on 12.2.2004 and only on the amount

given by the M.P.Housing Board, pension is being paid to the petitioner, whereas M.P.Housing Board has filed return stating inter-alia that M.P. Housing Board is not responsible for payment of revised pay scale and C.G.Housing Board is responsible for payment of revised pay scale.

3. Mr.Sunil Pillai, learned counsel for the petitioner, would submit that benefit of revised pay scale on the post of Estate Manager is not being granted by both Housing Boards and he is required to run from pillar to post to get the said benefit as both Housing Boards are denying responsibility to pay the revised pay scale to the petitioner, which the petitioner is otherwise entitled by order of the Madhya Pradesh High Court, which is not in dispute, therefore, respondents No.2 and 3 be directed to pay the revised pay scale to the petitioner.

4. On the other hand, Mr.Sanjay Patel, learned counsel for respondent No.2, would submit that the petitioner has already retired from service from M.P.Housing Board, therefore, M.P.Housing board should pay the revised pay scale to the petitioner and C.G. Housing Board is not responsible.

5. None present for respondent No.3-M.P.Housing Board though reply has been filed.

6. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
7. It is not in dispute that the Madhya Pradesh High Court in Vivek Diwan (supra) has clearly held that the Estate Managers are entitled for revised pay scale of Rs.2200-4000/- and the petitioner herein is claiming enhanced pay scale on the basis of decision passed by the Madhya Pradesh High Court in Vivek Diwan (supra). It is also not in dispute that the petitioner has retired from M.P.Housing Board on 31.1.2001 and thereafter C.G.Housing Board was constituted on 12.2.2004. It is stand of the C.G.Housing Board that pension is being paid on the fund allotted by the M.P.Housing Board and the C.G. Housing Board is not responsible, whereas the M.P.Housing Board has taken stand that it is the C.G.Housing Board who should take a call and give the revised pay scale to the petitioner.
8. Since the petitioner has already retired from the post of Accounts Officer from M.P.Housing Board, respondents No.2 and 3 are directed to consider the case of the petitioner by holding a joint meeting on the date to be fixed by both Housing Boards and

would consider the case of the petitioner and decide who will pay the amount of revised pay scale to the petitioner within 2 months from the date of receipt of a copy of this order. For that purpose, the Commissioner of respondents No.2 and 3 in mutual consultation appoint an officer of appropriate rank to consider the case of the petitioner for the said purpose and in accordance with that appointment, meeting will be held and it will be decided. It is made clear that this Court has not expressed any opinion on merits of the case. Copy of order be sent to the respondent No.02 & 03 expeditiously.

9. With the aforesaid observation / direction, the present writ petition finally stands disposed of. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-