

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 425 of 2021**

Shyam Kishore Shrivastava S/o Late R. K. Shrivastava, Aged About 69 Years, Occupation - Service, Presently Retired As Sub - Inspector (Ministerial), R/o Near Santoshi Mandir, Shyam Nagar, Raipur Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh
2. Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh
3. Director General Of Police, Police Head Quarter, Ground Floor, Block-01, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh
4. Director, Directorate Of Treasury, Accounts And Pension, Indrawati Bhawan, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh
5. Joint Director, Treasury, Accounts And Pension Raipur Division, Collectorate Chowk, Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.02.2021**

1. Heard learned counsel for the parties.
2. Learned counsel appearing for the petitioner would submit that the

petitioner retired as Sub Inspector on 31.08.2012. During his service period he was entitled for pay scale, as has been made admissible to similarly placed persons who had preferred writ petition, bearing WPS No.4563 of 2006, which was disposed of by this Court and thereafter, writ appeal No.426/2011 was also disposed of by order dated 03.05.2012. Learned counsel would further submit that challenging the order passed by the Division Bench of this Court in writ appeal, the State Government preferred SLP (C) No. 13274/2013 and the said SLP has also been dismissed by the Supreme Court. Thereafter, the Government of Chhattisgarh, Department of Home has sanctioned the revised pay scale to the said persons vide order dated 3.12.2013.

3. According to the learned counsel for the petitioner, the petitioner is exactly similarly placed, however, despite the order passed by the Director General of Police, Chhattisgarh, Raipur, on 28.09.2013, the Department of Home, Government of Chhattisgarh by order dated 3.12.2013 has restricted the benefit of pay scale to the persons who were party in the writ petitions, writ appeals & SLP filed before the various forums.
4. Learned counsel for the petitioner would submit that for the present the respondent authorities may be directed to consider the representation and revise the pay scale in view of the decision taken by the State Government concerning similarly placed persons and thereafter, his pension and other retiral benefits be sanctioned on the said basis.
5. At this juncture, learned counsel appearing for the State would submit that if the petitioner prefers a fresh representation claiming the benefit, as stated above, the State Government would scrutinize/verify the facts and if his case is similar, appropriate decision shall be taken in

accordance with law and on its own merits.

6. In view of the above, without expressing any opinion on the merits of the case, this writ petition is disposed of with a direction that in the event the petitioner submits a fresh representation before the competent authority within a period of one month from today raising his entire grievances, the said authority shall consider and decide his representation, in accordance with law and on its own merits, as early as possible, preferably within a further period of two months from the date of receipt of representation.

**Sd/-
P. Sam Koshy
Judge**