

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2004 of 2010

- Gyan Dutta Mishra S/o Late Prithvipal Mishra, R/o Vrindavan Colony, Jagdalpur, Distt. Bastar, C.G.

----- Petitioner

Versus

- 1.State of Chhattisgarh, through the Secretary, Department of Finance, D.K.S. Bhawan, Raipur, C.G.
- 2.State of Madhya Pradesh, through the Secretary, Department of Finance, Vallabh Bhawan, Bhopal, M.P.
- 3.The Secretary, Department of Tribal Welfare, Scheduled Tribes Development, D.K.S. Bhawan, Raipur, C.G.
- 4.The Secretary, Department of Tribal Welfare, Vallabh Bhawan, Bhopal, M.P.
- 5.The Assistant Commissioner, Tribal Development Jagdalpur, District Bastar, C.G.

----- Respondents

For Petitioner :- Mr. Ashok Kumar Shukla, Adv.
For State/Respondents:- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

22/06/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Learned counsel for the petitioner would submit that though the petitioner is entitled for two upgraded pay scales on the basis of Circular dated 21.03.1983, first upgraded pay scale has already been given to the petitioner, whereas order impugned has been passed relying upon the Circular dated 03.10.2008. Learned counsel for the petitioner would further submit that the petitioner has already retired on 31.07.2003 from the post of Head Master and, as such, the impugned order deserves to be set aside.
3. Learned State counsel would oppose the submissions made by the learned counsel for the petitioner and support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions

herein-above and went through the records with utmost circumspection.

5. The petitioner has retired on 31.07.2003 from the post of Head Master, whereas the case of the petitioner has been decided on the basis of Circular dated 03.10.2008 which is much after the date of retirement of the petitioner and held that the petitioner is not entitled for the benefit of second upgraded pay-scale, whereas the case has to be decided on the basis of circular which was in force on or before the date of petitioner's retirement i.e. 31.07.2003.

6. In that view of the matter, the order impugned vide Annexure - P/8 is hereby quashed. The respondent-State is directed to consider the case of the petitioner for grant of second upgraded pay-scale on the basis of the circular which is in force on or before the date of petitioner's retirement i.e. 31.07.2003 within 45 days from the date of receipt of copy of this order.

7. With the aforesaid observation/direction the
instant writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit