

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.8011 of 2011

1. C.L. Porte, S/o Shri Samaru Lal Porte, aged about 40 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 2. S. Parmar, S/o Shri P.R. Parmar, aged about 42 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 3. C.S. Diwan, S/o Shri Vijay Singh Diwan, aged about 39 years, Lab Attendant, Govt. D.B. Girls P.G. College, Raipur, District Raipur (C.G.)
 4. D.D. Sahu, S/o Shri Jagat Ram Sahu, aged about 41 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 5. V.K. Dewangan, S/o Shri Bihari Lal Dewangan, aged about 42 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 6. S.K. Verma, S/o Shri P.R. Verma, aged about 42 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 7. S.R. Sahu, S/o Shri Budhram Sahu, aged about 50 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
 8. M.K. Dhruw, S/o Shri Baliram Dhruw, aged about 37 years, Lab Attendant, Govt. Science College, Raipur, District Raipur (C.G.)
- Petitioners

Versus

State of Chhattisgarh, Through the Secretary, Higher Education Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

---- Respondent

For Petitioners: Mr. Somkant Verma, Advocate.
 For Respondent / State: Mr. Siddharth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/09/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Somkant Verma, learned counsel appearing for the petitioners,

would submit that the petitioners' representation has wrongly been rejected by order dated 10-5-2010 (Annexure P-1) and they have not been given the pay scale of Lab Technician, therefore, the impugned order dated 10-5-2010 deserves to be set aside.

3. Mr. Siddharth Dubey, learned State counsel, would submit that the petitioners were appointed on the post of Lab Attendant in accordance with the Chhattisgarh Chaturth Shreni Seva (Mahavidyalay Shakha) Bharti Tatha Padonnati Niyam, 1977 in between the years 1992 and 1998 in the pay scale of ₹ 825-1,220/- and promotional avenue for the post of Lab Attendant / feeder cadre is to the post of Lab Assistant / Lab Technician under the Chhattisgarh Arajpatrit Tritiya Varg Seva (Mahavidyalay Shakha) Bharti Tatha Padonnati Niyam, 1974, as such, the petitioners having been appointed and accepted on the post of Lab Attendant are not entitled for the pay scale of Lab Technician and their representation has rightly been rejected.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the records with utmost circumspection.
5. It is quite apparent from the face of record that the petitioners were appointed as per the Rules of the Chhattisgarh Chaturth Shreni Seva (Mahavidyalay Shakha) Bharti Tatha Padonnati Niyam, 1977 on the post of Lab Attendant in between 1992-98 and in pay scale of ₹ 825-1,220/- in the Government Since colleges of the State which they have accepted and are working as such. Promotional avenues of the petitioners are governed by the Chhattisgarh Arajpatrit Tritiya Varg Seva (Mahavidyalay Shakha) Bharti Tatha Padonnati Niyam, 1974,

and feeder post for promotion on the post of Lab Technician is Lab Attendant, as such, the petitioners who were working at the earlier point of time as Lab Attendants are only entitled for promotion to the post of Lab Technician in accordance with the Chhattisgarh Arajpatrit Tritiya Varg Seva (Mahavidyalay Shakha) Bharti Tatha Padonnati Niyam, 1974. Since the petitioners were working as Lab Attendants which is Class-IV post, they cannot be given the pay scale of Lab Technician, as such, their representation has rightly been rejected. However, the circular dated 23-12-1976/27-12-1976 on which reliance has been placed by the petitioners has already been stayed by the Finance Department of the State Government, as stated in para 5 of the return filed by the State / respondent. In view of that, I do not find any merit in the writ petition.

6. It is stated at the Bar by Mr. Verma, learned counsel for the petitioners, that except petitioner No.1, all the petitioners were already promoted on the post of Lab Technician. The statement is placed on record.
7. The writ petition is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge