

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 7087 of 2011**

Chaturbhuja Prasad Mishra, S/o Shri Moti Lal Mishra,
Aged about 61 years, R/o Deori, P.O. Pandhi, Tahsil
Masturi, Distt. Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary,
General Administration Department, Mantralaya,
D.K.S. Bhawan, Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through the Secretary,
Department of School Education, Mantralaya, D.K.S.
Bhawan, Raipur, Chhattisgarh.
3. The District Education Officer, Janjgir, Distt.
Janjgir-Champa, Chhattisgarh.

---Respondents

For Petitioner :- Mr. R.R. Soni, Advocate
For State :- Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Th. Video Conferencing)

26/08/2021

1. By way of this writ petition, petitioner calls in
question the legality, validity and correctness of
order dated 18/07/2011 (Annexure P/2) passed by
respondent No. 3 refusing to grant the benefit of

pay protection to the petitioner as directed vide Circular dated 25/10/2002 (Annexure P/1) issued by the State Government.

2. Mr. R.R. Soni, learned counsel for the petitioner, would submit that learned District Education Officer is absolutely unjustified in holding that pay protection in terms of Circular dated 25/10/2002 (Annexure P/1) cannot be granted to the petitioner whose services have been regularized by order dated 20/12/1988, therefore, the impugned order (Annexure P/2) is liable to be set aside.
3. Mr. Sanjay Pathak, learned State counsel, would support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and perused the records.
5. It is correct to say that petitioner's services have been regularized with effect from 20/12/1988 on the post of Peon and the Circular dated 25/10/2002 (Annexure P/1) has been issued granting the benefit of pay protection to the employees appointed on that very day and thereafter. The said Circular dated 25/10/2002 (Annexure P/2) has not been made applicable with retrospective effect and thus no benefit of pay protection has been granted to the employees who have already been

appointed before 25/10/2002 like petitioner. In that view of the matter, learned District Education Officer has rightly held that the benefit of pay protection in terms of Circular dated 25/10/2002 (Annexure P/2) cannot be granted to the petitioner who has already been regularized on 20/12/1988. As such, the challenge made by the petitioner to the impugned order (Annexure P/2) is sans merit and is hereby dismissed. Similarly, there is no ground made out by the petitioner for modification of Circular dated 25/10/2002 (Annexure P/1) issued by the State Government in order to give the benefit of pay protection to the petitioner who has been regularized before 25/10/2002.

6. Accordingly, the instant writ petition stands dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet