

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1224 of 2021

Tikaram Patel S/o Shri Chaitan Prasad Patel, Aged About 60 Years Working As Lecturer And Posted At Govt. Boys Higher Secondary School Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Education And Tribal Welfare And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. District Education Officer, Jashpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
3. District Conservator Tribal Welfare And Development Department, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Assistant Commissioner, Tribal Welfare Department, Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
5. Block Education Officer, Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajeet Kumar Yadav, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/04/2021

1. The claim of the petitioner in the present writ petition is for a regular payscale for the petitioner from the initial date of appointment.

2. According to the petitioner, initially they were appointed on a fixed salary of Rs. 150/- per month in the year 1982 and subsequently they were granted regular payscale on completion of two years of service on 01.07.1984.
3. The counsel for the petitioner has referred the judgment of the Madhya Pradesh State Administrative Tribunal, Jabalpur in **O.A. No. 2745/1989** in the case of “**Madhukant Yadu & 56 others v. State of Madhya Pradesh & others**” wherein the persons similarly placed were ordered to be entitled for regular payscale with effect from the initial date of appointment. The order of the Tribunal has also got affirmed up till the stage of Hon'ble Supreme Court.
4. The counsel for the petitioner submits that there are certain persons, who were appointed along with the petitioner, who have been granted this benefit, but the petitioner for some reasons has been left out. According to the petitioner, let the respondents take an appropriate decision so far as the petitioner is concerned, in parity with similarly placed persons and also take note of the judgment of the State Administrative Tribunal in the case of “**Madhukant Yadu**” (supra).
5. The State counsel at this juncture submits that the matter may be disposed of directing the respondents subject to verification of the fact, as to whether the petitioner is similarly placed or not, and take an appropriate decision in accordance with the Rules governing the field.
6. Given the said submissions by the learned counsel for the respondents, the writ petition at this juncture stands disposed of directing the respondent authorities to consider the case of the petitioner in accordance with law subject to verification of his entitlement and also on due verification of the fact as to whether the petitioner is entitled for

similar treatment as has been given to other persons similarly situated and appointed along with the petitioner. Let an appropriate decision be taken within a period of 90 days from the date of receipt of the copy of this order

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved