

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.7483 of 2009**

1. Manoj Kumar Sinha, S/o. Shri Gokul Prasad Sinha, aged about 43 years, High School Gopalpur, Block-Rajpur, R/o Kedarpur, Ambikapur, Distt.Surguja (CG)
2. Parth Kumar Bhattacharya, S/o Shri Vimal Kumar Bhattacharya, aged about 40 years, Office of the Block Education Officer, Ambikapur, R/o Nawapara, behind of diet Ambikapur, Distt.Surguja (CG)
3. Mohd. Naseem Sidhiqui, S/o Mohd. Yaseen, aged about 36 years, office of Assistant Commissioner (Tribal) R/o Rasulpur, Ambikapur, Distt.Surguja (CG)
4. Satish Dubey S/o Late G.P. Dubey, aged about 38 years, Pahadi Korwa Balak Ashram, Jigadi, Block Rajpur, R/o Mission Hospital Road, Ambikapur, Distt. Surguja (CG)
5. Anup Kumar Tamrakar, S/o Munnilal Sao, aged about 40 years, High School Sukhari, Block Ambikapur, R/o Joda Pipal Kedarpur, Ambikapur, Distt. Surguja (CG)
6. Sunil Kumar Mahtha, S/o Late Sant Vilas Prasad Mahtha, aged about 43 years, Pt. Motilal Boys Hostel Ambikapur, R/o Namnakala, Ambikapur, Distt.Surguja (CG)
7. Bhrigunath Dhar Dubey, S/o Vikrama Dhar Dubey, aged about 41 years, High School Sargawan, Block Ambikapur, R/o Takia Road, Ambikapur, Distt.Surguja (CG)
8. Bharat Kumar Pandey S/o Keshav Prasad Pandey, aged about 42 years, Office of the Block Education Officer, Ambikapur, R/o Namnakala, Ambikapur, Distt. Surguja (CG)

-----Petitioners**Versus**

1. State of Chhattisgarh, Through: Secretary, Schedule Caste / Schedule Tribes Development Department, Mantrayalay, D.K.S. Bhawan, Raipur (CG)
2. Collector (Tribal Development) Surguja, Ambikapur (CG)
3. Commissioner, Schedule Caste / Schedule Tribes Development Deptt., Raipur (CG)
4. Assistant Commissioner, Schedule Caste / Tribes Development Deptt., Ambikapur (CG)

----- Respondents

For Petitioners	:	Mr.Bhupendra Singh, Advocate
For Respondents/State	:	Mr.Ravi Bhagat, Dy.G.A.

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

23.6.2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Bhupendra Singh, learned counsel of the petitioners, would submit that the petitioners were working on contingency basis and by order dated 3.9.2008 (Annexure P-4) they were given time bound promotion with pay scale of Rs.2610-3540, but while regularizing their services on 10.9.2008 (Annexure P-1) their pay scale has reduced from Rs.2610-3540 to Rs.2550-3200, as such, the order passed by the respondent-authority runs contrary to the decision rendered by this Court in **Ramlal Ram and another v. State of Chhattisgarh** (WPS No.2409 of 2007), decided on 19.4.2007.
3. On the other hand, Mr. Ravi Bhagat, learned Deputy Government Advocate for the respondents/State, would support the impugned order and submit that pay scale of the petitioners has rightly been withdrawn while regularizing their services.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

5. This Court in identical question involved in writ petition was considered by this Court in Sant Kumar & others v. State of Chhattisgarh & Others, decided on 18.1.2006, which has been relied upon further by this Court in Ramlal Ram (supra) in which this Court held as under:-

"5. Learned counsel for the petitioner further submits that the respondents/State of Chhattisgarh preferred a Special Leave Petition (Civil) No.17122/2006 (State of Chhattisgarh & Others Vs. Sant Kumar & others) before the Hon'ble Supreme Court, challenging the order dated 18.1.2006 (supra), passed by this Court and the same has been dismissed by the Hon'ble Supreme Court vide order dated 9.10.2006 after condoning the delay.

6. In view of the foregoing, I am of the considered opinion that the impugned order dated 4.10.1997 (Annexure P/4), is bad in law, being punitive in nature, without affording an opportunity of hearing to the concerned employees (petitioners) for putting forward their cases.

7. Accordingly, the order dated 4.10.1997 (Annexure P/4) is quashed. The petitioners are entitled to regular pay scales from the date the same have been withdrawn by the impugned order. No order as to costs."

6. Reverting to the facts of the present case, it is quite apparent that the petitioners were granted time bound promotion with pay scale of Rs.2610-3540 by order dated 3.9.2008 (Annexure P-4), but while regularizing their services it has been reduced to Rs.2550-3200 that too without affording an opportunity of hearing to the petitioners.

7. Accordingly, the impugned order dated 10.9.2008 (Annexure P-1) passed by respondent No.4 to the extent of reducing the pay scale of the petitioners from Rs.2610-3540 to Rs.2550-3200 is hereby set aside. However, the respondents-authorities are directed to take a decision with regard to reduction within 60 days from the date of receipt of a copy of this order after affording an opportunity of hearing to the petitioners. The petitioners are at liberty to make representations claiming that their pay scale cannot be reduced and they are entitled for pay scale which they were earlier getting.
8. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-