

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6007 of 2009**

R.N. Kawadkar, S/o Late Shri Krishna Kawadkar, Aged about 54 years, Employed as Progressman, Office of SDO/EM/LM/TW/Gate Water Resources Department, Sub-Division, Sakri, Bilaspur. Residing at 6/345 Shastri Nagar, Bilaspur, Chhattisgarh.

---Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Water Resources Department, D.K.S. Bhawan, Mantralaya, Ghadi Chowk, Raipur, Chhattisgarh.
2. The Chief Engineer, Hasdeo Kachar, Water Resources Department, Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner	:-	Mr. B.P. Rao, Advocate
For State	:-	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board (Through Video Conferencing)****17/06/2021**

1. Petitioner is claiming parity in pay-scale of 'Data Assistant' in the Department of Water Resources. This Court in WPS No. 958/2007 vide order dated 04/03/2009 had directed the respondent authorities

to consider petitioner's representation within six months, which the respondent authorities decided on 29/05/2009 (Annexure P/4) and rejected it by passing a very non-reasoned and non-speaking order simply holding that petitioner is not entitled for the benefit of enhance pay in accordance with the rules, which has been called in question by the petitioner in the instant writ petition.

2. Mr. B.P. Rao, learned counsel for the petitioner, would submit that the respondent authorities have not followed the order of this Court and they have rejected petitioner's representation summarily by passing a non-reasoned and non-speaking order, as such, the impugned order (Annexure P/4) be set aside.

3. Mr. Animesh Tiwari, learned Deputy Advocate General, would support the impugned order (Annexure P/4).

4. I have heard learned counsel for the parties at length.

5. True it is that this Court, vide order dated 04/03/2009 passed in WPS No. 958/2007, had directed the respondent authorities to consider and dispose of petitioner's representation as early as

possible, preferably within a period of six months, but respondent No. 2 has simply considered petitioner's representation and rejected it by order dated 29/05/2009 (Annexure P/4) by passing a non-reasoned and non-speaking order merely holding that petitioner is not entitled for the benefit of enhance pay in accordance with the rules. From the perusal of Annexure P/4, it is apparent that no specific reason has been assigned by respondent No. 2 while rejecting petitioner's representation, which is not the correct way of approaching the matter and deciding petitioner's representation. Once this Court had directed the respondent authorities for considering and deciding petitioner's representation, it ought to have been decided by passing a reasoned and speaking order and if the petitioner was not entitled for the benefit of enhanced pay, specific reasons for that ought to have been mentioned by respondent No. 2. As such, the impugned order dated 29/05/2009 (Annexure P/4) is hereby set aside and the matter is remitted to the respondents to consider petitioner's representation afresh in accordance with law and decide it by passing a reasoned and speaking order within 45 days from the date of

receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the matter.

6. With the aforesaid direction, the writ petition stands disposed of. No cost(s). Petitioner is at liberty to file additional documents, if any, in support of his representation already filed.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet