

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 2369 OF 2021**

1. Shri Satish Kumar Nagarchi, S/o Shri Madanlal Nagarchi, aged about 39 years, Occupation – Sub Inspector (M) posted at Police Headquarter, Special Intelligence Branch, Raipur, R/o. Lal Bahadur Shastri Residential Premises, Police Lines, Bairon Bazar, Raipur, District Raipur, Chhattisgarh.
2. Shri Mahendra Kumar Ojha, S/o Ramgopal Ojha, aged about 41 years, Occupation- Sub Inspector (M), posted at Police Headquarter, (Special Intelligence Branch, Raipur), R/o Police Aawasiya Parisar near F.S.L. office, P.S. Civil Lines, District Raipur, Chhattisgarh.
3. Shri Umashankar Diwan, S/o Tejram Diwan, aged about 39 years, Occupation- Assistant Sub Inspector (M), posted at Special Investigation Branch, Jashpur, R/o Village Gaboud, Post Kushrapali, Tehsil & District Raipur, Chhattisgarh

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, Home Affairs, Police Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Nawa Raipur (CG)
2. The State of Chhattisgarh, through the Secretary, Finance Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Nawa Raipur (CG)
3. The Director General of Police, Head Quarter, Atal Nagar, District Raipur (CG)

... Respondents

For Petitioners	:	Mr. Rajesh Roshan Singh, Advocate.
For Respondents/State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/06/2021**

1. Grievance of Petitioners is that the Petitioners working under the Respondents are being denied the grant of ad-hoc pay increase which has been granted to other similarly placed persons but who were not in Ministerial cadre.

2. Learned Counsel for Petitioners submits that the grievance involved in the present Writ Petition has already been adjudicated upon in favour of the other similarly placed persons in Writ Petition (S) No. 4563 of 2006 [Abdul Nawab Khan & Others v. The State of Chhattisgarh & Others], decided on 7.5.2009. The judgment passed by this Court in Writ Petition (S) No. 4563 of

2006 has been affirmed even up till the stage of the Supreme Court. Subsequently, another batch of Petitioners filed a petition *i.e.*, Writ Petition (S) No. 4523 of 2014 [Francis Xavier Back & Others v. State of Chhattisgarh & Others], and the said Writ Petition also got disposed of on 3.7.2015, granting the benefit which has been extended to the other similarly placed persons in the light of the decision rendered in the case of Abdul Nawab Khan (*supra*). Learned Counsel for Petitioners therefore prays that the Respondents may further be directed to consider the case of the Petitioners also in similar line.

3. Learned Counsel for the State submits that the matter needs to be verified from the records whether the case of the Petitioners is identical or not and the relief can be extended subject to the Petitioners being identically placed.

4. Accordingly, the present Writ Petition is also disposed of in similar line as in the case of Francis Xavier Back & Others v. State of Chhattisgarh, decided on 3.7.2015 in Writ Petition (S) No. 4523 of 2014.

5. In case, if the Petitioners are found eligible, the relief as sought for may be released to them forthwith and if the Respondents find that the Petitioners are not entitled for the same then they may be suitably intimated in this regard giving reasons for their non-entitlement.

6. Let this exercise be done within a period of 90 days from the date of the Petitioners presenting the certified copy of this order before the Respondents authorities.

7. With the aforesaid observations, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

Sharad