

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4232 of 2021

1. Shri Om Prakash Mamgain S/o Shri T.R. Mamgain Aged About 72 Years Subedar(M) (Retired), R/o E-14, New Minaal Residency, J.K. Bhopal, Madhya Pradesh, District : Bhopal, Madhya Pradesh.
2. Deepak Bansod S/o Shankar Rao Aged About 63 Years Subedar(M), (Retired) R/o B-19, Galaxy Residency, Amlideeh, Raipur, Chhattisgarh.
3. Gaurishankar Patil S/o Gendalal Patil Aged About 64 Years Inspector(M), (Retired) R/o H.No. 102 Abhishek Green Valley, Khandwa Bypass Road, Harda, Madhya Pradesh, District : Harda *, Madhya Pradesh
4. R.K. Patil S/o Shri Manohar Patil Aged About 70 Years Police Inspector(M), (Retired) R/o B-Wing 504, Chikanghar, Kalyan (West), Thane, Maharashtra, District : Thane, Maharashtra
5. R.D. Sharma S/o Ramgopal Sharma, Subedar(M), R/o Near Shiv Mandir, Shiv Nagar, Sirol Road, Murar-Gwalior, Madhya Pradesh

---Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Secretary, Home Police Affairs And Finance Department, Mahanadi Bhawan, Mantralaya Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The President/members of Committee, Through The Secretary, Finance, Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh.
3. The Director General Of Police, Chhattisgarh Police Headquarters, Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh.

---Respondents

Writ Petition (S) No. 4248 of 2021

1. Smt. Krishna Majumdar, W/o Late Shri Tarun Kumar Majumdar, Aged About 60 Years Occupation - Police Inspector (M) Posted At Special Branch Police Headquarters, Raipur R/o- House No-526, P-3-C, Sector 27, Nawa Raipur Chhattisgarh.
2. Shri Pramod Kumar Sharma S/o Shri O.P. Sharma, Aged About 60 Years Occupation - Police Inspector (M), Posted At Special Branch Police Headquarters, Raipur R/o N-51, Lal Bahadur Shastri Parisar, Near Police Line, Raipur Chhattisgarh.
3. Shri Kamal Singh Jatav S/o Omkar Singh Jatav Aged About 66 Years Subedar (M), (Retired) R/o H.No Baag Sevania, Vishwakarma Nagar, Bhopal (M.P).
4. Shri Kamlesh Kumar Mishra S/o R.S. Mishra, Aged About 46 Years Occupation - Police Inspector (M), Posted At Special Branch Police Headquarters Raipur R/o D-33, Old Pension Bada, Near Police Transit Hostel, Raipur Chhattisgarh.
5. Shri Albinus Kujur S/o Shri Joseph Kujur, Aged About 57 Years Occupation - Police Inspector (M), Posted At Special Branch Police Headquarters Raipur R/o Behind Om Hospital, Vikas Vihar Colony Raipur Chhattisgarh.
6. Shri Anil Jain S/o Shri Manik Jain, Aged About 65 Years Post Subedar (M), Retired, R/o MIG - 38, Mahavirnagar, Puraina, Raipur Chhattisgarh.
7. Shri Praveen Bakshi S/o J.R. Bakshi, Aged About 61 Years Occupation - Police Inspector (M) Posted At Special Branch Police Headquarters, Raipur, R/o- B/7 Chopda Colony Mahavir Nagar, Ring Road, Raipur Chhattisgarh.

8. Shri Babulal Kanwar S/o Shri Hiranjan Singh, Aged About 53 Years Occupation - Police Subedar (M), Posted At Special Branch Police Headquarters, Raipur R/o Quarter No. 227 - D, Vijeta Complex, Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Secretary, Home Police Affairs And Finance Department, Mahanadi Bhawan, Mantralaya Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh
2. The President/members of Committee, Through The Secretary, Finance, Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh.
3. The Director General of Police, Chhattisgarh Police Headquarters, Nawa Raipur, Atal Nagar, District-Raipur, Chhattisgarh.

For Petitioners	:	Shri Rajesh Roshan Singh, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.08.2021

1. Since common facts and issues are involved in both these writ petitions, they are being disposed of by this common order.
2. The limited grievance of the petitioners in these writ petitions is the non releasing of arrears of salary on account of revised pay scale for the period between 1981 to 2000.
3. Learned counsel for the petitioners submits that there was bunch of writ petitions which were filed before this court vide WPS Nos. 44, 45 and 46 of 2016 wherein in similar set of facts, this court vide its order dated 14.05.2018 keeping in view the earlier order passed by this court in WPS No.3547 of 2016 in case of Hira Singh Payak Vs. State of Chhattisgarh & Ors. decided on 26.08.2017, their claim have been acceded to by the respondents and vide order dated 30.07.2020 the Govt. has already taken a decision for releasing all the benefits to the petitioners in those three writ petitions.
4. The contention of the petitioners is that, the claim of the petitioners is identical and they claim for similar set of relief for the petitioners as well. The respondents ought to have considered granting the benefit to all the

similarly placed persons instead of restricting or confining it to the persons approaching the court and not for similarly placed other persons. The contention of the petitioner also is that the order passed by this court if taken to be complied with and implemented, it should have been implemented as an order in rem and not in order of personam.

5. Learned counsel appearing for the State on the other hand submits that the claim of the petitioners have to be subjected to verification as to whether they are identically placed as that of all the petitioners in the three writ petitions that is referred to and subject to verification of the same appropriate decision shall be taken in the case of the petitioners as well.
6. Given the aforesaid submission by the counsel for the parties, both the writ petitions as of now stands disposed of directing the respondents to consider the case of the petitioners in the light of the order passed in the aforementioned three writ petitions in case of Tejumal Sambhawani & Ors. Vs. State of Chhattisgarh & Ors. (WPS No.44 of 2016) decided on 14.05.2018 and also the earlier decisions taken on the subject matter and appropriate decision be taken by the respondents purely on the basis of findings arrived at on verification of facts.
7. Let appropriate decision be taken at the earliest preferably within a period of four months from the date of receipt of copy of this order.
8. Both the writ petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge