

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.3104 of 2013

Tuka Ram Mishra, S/o Shri Girwardatt Mishra, aged about 56 years, Occupation Service, Presently posted as Head Master in Govt. Primary School Anchidadar, Police Station & Block Katghora, Civil & Revenue District Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Director, Public Instruction Cum President Economic Claim Disposal Committee, Public Instruction Directorate Chhattisgarh, Raipur (C.G.)
3. The District Education Officer, Korba, District Korba (C.G.)

---- Respondents

For Petitioner: Mr. Rajesh Kumar Sharma, Advocate.

For Respondents / State: -

Mr. Animesh Tiwari, Deputy Advocate General and
Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/10/2021

1. By way of this writ petition, the petitioner is claiming regular pay-scale and annual increment from the date of initial appointment whereas, he has been given regular pay-scale and annual increment from the date of completion of training on the post of Assistant Teacher.
2. The petitioner was appointed on 9-7-1976 and he has completed two years of training, thereafter, he has been given regular pay-scale with effect from 25-9-1978.
3. Mr. Rajesh Kumar Sharma, learned counsel appearing for the petitioner, would submit that though the petitioner has been initially

appointed on the post of Assistant Teacher on a stipend of ₹ 100/- per month, yet he will be entitled for regular pay-scale from the date of initial appointment, not from the date of completion of two years of training.

4. Whereas, Mr. Animesh Tiwari, learned State counsel, would submit that once the petitioner has completed training, he was granted regular pay scale and annual increment. He would further submit that in the first round of litigation, this Court has directed the State Level Committee constituted for disposing of the cases of departmental employees to take appropriate decision in respect of the petitioner herein, in accordance with law. The said Committee also upon consideration, clearly held that the petitioner is being given regular pay-scale and annual increment after completion of two years of training, as he was earlier getting stipend, therefore, he was not given regular pay-scale and annual increment for the initial period of two years i.e. the training period during which period he was getting stipend and therefore he is not entitled for regular pay scale from the date of initial appointment, and rejected the representation of the petitioner.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
6. A careful perusal of the record would show that the petitioner was selected and appointed on the post of Assistant Teacher on ad hoc basis by order dated 9-7-1976 on training and the said training was of two years. During the said training programme, the petitioner has been paid stipend which is also apparent from Annexure P-3 and thereafter, the petitioner was appointed as Assistant Teacher by order

dated 25-9-1978 in the pay-scale of ₹ 169-300/- and after the said appointment order, the petitioner has also been given regular pay-scale and after one year, he has been extended the benefit of annual increment. Thereafter, on being referred by this Court in the first round of litigation to the Committee of senior officers, vide Annexure P-1, the Committee has come to the conclusion that after completion of two years of training, the petitioner has been given the benefit of regular pay-scale and annual increment and he was not appointed on regular post nor on probation, therefore, his representation has been rejected. Finding recorded by the committee that the petitioner was only given stipend during his period of training and he was not either working on fixed pay or probation, therefore, not entitled for regular pay-scale and increment from that date, is a finding of fact based on the evidence available on record, it is neither perverse nor contrary to the record and it is strictly in accordance with law. I do not find any merit in the writ petition. The writ petition deserves to be and is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge