

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5713 of 2021**

- Smt Rashmi Patel W/o Shri Ghanshyam Patel Aged About 41 Years Resident Of Village Tapranga, Post Dhaurabhatha, Police Station Tamnar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Secretary Government Of Chhattisgarh, Department Of Panchayat And Rural Development, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
3. The Director Directorate Of Public Instructions, Block 3, First Floor, Indravati Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh
4. The Chief Executive Officer Zila Panchayat, Raigarh, District Raigarh Chhattisgarh.
5. The District Education Officer, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	: Shri Kamlesh Kumar Pandey, Advocate
For State/Respondent Nos.1 to 3 & 5	: Shri Suyash Dhar, Panel Lawyer, on advance copy

Single Bench:Hon'ble Shri Justice Sanjay S. Agrawal
Order On Board

27.10.2021

1. The grievance of the Petitioner is that the Petitioner was initially appointed on the post of Shiksha Karmi Grade-II on 13.5.2005. Subsequently, the Petitioner was appointed on the higher post i.e. Shiksha Karmi Grade-I vide order dated 21.6.2010 and she joined on the said post on 01.7.2010 and therefore, after completion of 8 years of service on 31.5.2013, from the initial appointment, she was entitled to receive the revised pay-scale, pursuant to Circular/order of the State Government issued on 17.5.2013, however, the same has been granted from 08.6.2016.

2. Learned counsel for the Petitioner submits that similarly situated persons have filed WPS No.95 of 2019 and WPS No.99 of 2019 for grant of arrears of pay-scales wherein this Court has passed the following order :

“2. The limited grievance which the petitioner has raised in this writ petition by virtue of order passed by this Court in the case of Mukesh Kumar Patel Vs. State of Chhattisgarh, WPS No. 2530/2017 decided on 26.11.2017 has been granted benefit of revised pay scale on completion of 8 years of service.

3. Learned counsel for the petitioner submits that the grievance which now remains is that the benefit is being provided to the petitioner prospectively and though the respondents have made a calculation which the petitioner was entitled for from the date of his completion of 8 years of service but no effective orders have been passed nor have department taken any steps for release of the arrears of payment. The petitioner prays for appropriate direction to the respondents for releasing the said amount.

4. Without entering into the merits of the case and taking into consideration the judgment of this Court in the case of Mukesh Patel (Supra) which has also been affirmed by the Division Bench and taking note of the fact that the respondents have complied with the order to the extent of granting revised pay scale to the petitioner, let respondents 2 & 3 take an appropriate decision at the earliest so far as release of the arrears of payment which the petitioners are entitled for. Excepting a decision from the respondents within a period of 90 days from the date of receipt of copy of this order, the present writ petition stands disposed off.”

3. Learned State Counsel does not dispute the fact that the similar issue raised in this case has been decided by this Court in W.PS No.95 of 2019 and WPS No.99 of 2019.

4. The order passed in WPS No. 95 of 2019 and WPS No.99 of 2019 (supra) shall also be applicable to the case of present writ Petitioner. It is directed that respondent No. 4- The Chief Executive Officer, Zila Panchayat shall take appropriate decision on the representation dated 16.12.2020 (Annexure P/5) made by the Petitioner at the earliest for releasing the arrears of payment which

the Petitioner is entitled for. It is expected that a decision shall be taken as soon as possible preferably within the period of three months from the date of receipt of copy of this order.

5. With the above observations, this writ petition stands finally disposed of.

Sd/-

(Sanjay S. Agrawal)
JUDGE

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