

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5085 of 2020**

Shyam Lal Sahu S/o Late Shri M. R. Sahu, Aged About 62 Years
Retired Head Constable, Resident Of Village Hirri Near Bilha Mod, P.S.
Hirri, District Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Director, Treasury, Account And Pension, Pension Bada, Raipur District Raipur, Chhattisgarh
3. Inspector General Of Police Bilaspur, Division Bilaspur, District Bilaspur, Chhattisgarh
4. Superintendent Of Police, Bilaspur, District Bilaspur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ravi Maheshwari, Advocate
For State	:	Ms. Akankshya Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

12.01.2021

1. The grievance of the petitioner in the present writ petition is that while retiring the petitioner w.e.f. 31.03.2020, the petitioner was given salary less than the salary which was drawn by a person who was much junior to the petitioner and working on the same pay scale and post.

2. The case of the petitioner is that on the date of retirement he was working on the post of Head Constable and his basic pay was shown to be Rs.44,900/- whereas the Jawahar Yadav who was also a Head Constable and junior to the petitioner and is still in employment, his basic pay was Rs.47,600/-. It is much higher what the petitioner was drawing on the date of retirement. According to the petitioner, the Department seems to have not given proper fixation and the benefits of annual increments/time pay scale while he was in service and that there also seems to be no proper fixation given to the petitioner post the revocation of the suspension order in the year 2006.
3. Given the fact that the dispute raised by the petitioner is in respect of the non-granting of proper fixation of pay on account of which his retiral dues also have been quantified at a lower pay scale, this Court is of the opinion that the pay scale granted to the petitioner periodically needs to be reconsidered and scrutinized by the Office of the respondents 2 & 3 as compared to the Head Constables who were working in the department along with the petitioner or at least as compared to one of the immediate juniors to the petitioner.
4. Let the Office of the respondents 2 & 3 get the service record of the petitioner regarding fixation of pay and compare the same with his immediate junior, if required with one Jawahar Yadav whose pay slip the petitioner has enclosed along with this writ petition, at the earliest preferably within a period of 120 days from the date of receipt of copy of this order. In case the petitioner is found to have been given wrong fixation of pay, let necessary rectification be made and the

consequential benefits including the actual difference of the retiral benefits be paid to the petitioner within a further period of 90 days.

5. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**