

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5975 of 2021**

- Jahan Singh Rathia S/o Shri Tika Ram Rathia, Aged About 37 Years Working As Teacher (L.B.) At Govt. Middle School Dongahouna, Block Dharamjaigarh, District Raigarh Chhattisgarh,

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh,
2. Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh,
3. Commissioner Cum Director, Directorate Of Panchayat, Atal Nagar, New Raipur, District Raipur Chhattisgarh.,
4. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh Chhattisgarh,
5. District Education Officer, District Raigarh Chhattisgarh,
6. Block Education Officer, Dharamjaigarh, District Raigarh Chhattisgarh,

**---- Respondents**

|                       |                                  |
|-----------------------|----------------------------------|
| For Petitioner        | :Shri Jeet Ram Patel, Advocate.  |
| For Respondents/State | :Shri Suyash Dhar, Panel Lawyer. |

**Hon'ble Shri Justice Sanjay S. Agrawal****Order on Board****28.10.2021**

1. The grievance of the Petitioner is that the Petitioner was initially appointed on the post of Shiksha Karmi on 09.08.2008. Subsequently, the Petitioner was appointed on the same post on 12.08.2010 and thereafter on 09.08.2016, and therefore, after completion of 8 years of service from the initial appointment, he 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 01.05.2013.

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 and in view thereof, the Petitioner is hereby directed to file a representation within a period of fifteen days from today before Respondent No.4 – Chief Executive

Officer, Zila Panchayat, Raigarh, who in turn, shall take an appropriate decision on the said representation 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 a period of three months from the date of receipt of the representation.

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

Sd/-

**(Sanjay S. Agrawal)**  
**Judge**