CGHC010370502026 2026:CGHC:44096

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7207 of 2026

1 - Dr. Suresh Chandra Tiwari S/o Late Shri Lallan Tiwari Aged About 65 Years Old R/o Dadar, Parshuram Nagar, Korba P.S. City Kotwali , Distt- Korba Chhattisgarh

AMARDEEP CHOUBEY Digitally signed by AMARDEEP CHOUBEY Date: 2026.10.13 10:36:29 +0530

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Principal Secretary, Department Of Higher Education Mantralaya, Mahanadi Bhawan. Naya Raipur (C.G.)

2 - Atal Bihari Vajpayee Vishwavidyalaya, Through Vice- Chancellor, Ratanpur Road Koni, Bilaspur, Distt- Bilaspur (C.G.)

3 - Kamla Nehru College Through Principal Kamala Nehru College Korba, Distt- Korba (C.G.)

4 - Secretary, Governing Body, Kamala Nehru College, Korba, Distt- Korba (C.G.)

5 - Secretary, Kamala Nehru Mahavidyalaya Committee, Korba, Distt- Korba (C.G.)

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Anshul Tiwari, Advocate
For State	: Ms. Sakshi Bajpai, Panel Lawyer
For Respondents No.2 to 5	: Dr. Sudeep Agrawal, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

12/10/2026

1. By the present petition, the petitioner has prayed for following reliefs:-

> “1]. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions, particularly a writ in the nature of Mandamus, directing the competent authority/Committee under Section 38 of the College Code to consider and finally decide the petitioner's a representation/appeal dated 13.05.2026 by passing reasoned and speaking order within a fixed period, preferably within 30 days from the date of production of the order of this Hon'ble Court.
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> 2] That, this Hon'ble Court may kindly be pleased to direct the competent authority to afford an effective opportunity of hearing to the petitioner and all concerned parties before deciding the representation/appeal.
>
> 3] That, this Hon'ble Court may kindly be pleased to direct the competent authority, while deciding the representation/to consider the petitioner's entitlement to the benefit of the 7th Pay Commission/revised pay scale with effect from 01.01.2016 in accordance with the applicable statutory provisions, the Chhattisgarh Pay Revision Rules, 2017 and the Government of India/MHRD/UGC communication dated 02.11.2017.
>
> 4] That upon adjudication of the petitioner's entitlement, the respondents may kindly be directed to extend all consequential monetary and service benefits, including arrears, in accordance with law.
>
> 5] That this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case, including cost of the petition.”

2. Learned counsel for the petitioner submits that the petitioner's grievance relates to the denial of the benefit of the 7th Pay Commission/revised pay scale with effect from 01.01.2016. The petitioner was appointed as Assistant Professor (Economics) at

Kamala Nehru College, Korba, on 25.07.1985, and his services were regularized on 07.12.1996. After regularization, the Principal of the of Kamala Nehru College, Korba took steps for inclusion of the petitioner's name in the gradation list of the Assistant Professors. The petitioner approached the competent Civil Court and the decree passed in Civil Suit No. 122-A/1997 was implemented vide order dated 12.01.2002, whereby his regular pay scale was fixed. Learned counsel for the petitioner submits that the decree passed in Civil Suit No. 122-A/1997 attained finality after the respondent College withdrew Civil Appeal No. 1-A/2002 pursuant to a compromise. In compliance with the decree, the petitioner's services were regularized and his pay scale was fixed at Rs. 12,000–18,300/- vide order dated 12.01.2002 (Annexure P/2). Learned counsel further submits that despite the implementation of the Chhattisgarh Pay Revision Rules, 2017, with effect from 01.01.2016, and the subsequent communication dated 02.11.2017 issued by the Ministry of Human Resource Development, the petitioner has been denied the benefit of the revised pay scale/7th Pay Commission, which has been extended to similarly situated employees. Learned counsel further submits that the petitioner had earlier approached this Court by filing W.P. (S) No. 1965 of 2025, which was dismissed as withdrawn vide order dated 27.04.2026, with liberty to the petitioner to avail the alternative remedy available under Regulation 38 of the College Code. Pursuant to the said liberty, the petitioner submitted a detailed representation/appeal dated 13.05.2026 before the Vice-Chancellor/competent authority. Thus, the petitioner has duly

availed the alternative remedy; however, despite the lapse of more than 90 days, no decision has been taken on the said representation/appeal.

3. On the last date of hearing, time was granted to learned counsel for the respondent No.2 to seek instructions with regard to the subject matter.

4. Today, by placing a copy of the notification dated 08/10/2026, learned counsel would submit that by exercising the power under Regulation 28 of the College Code, the Tribunal has been constituted and it has been stated in the said notification, the representation/appeal may be filed before the Tribunal. The said notification dated 08/10/2026 is taken on record.

5. Having considered the facts situation of the case, and particularly considering the fact that by notification dated 08/10/2026, the Tribunal has already been constituted, the said Tribunal is directed to consider and decide the pending appeal/representation of the petitioner, in accordance with law and on its own merits.

6. Accordingly, the present writ petition is disposed of.

7. It is made clear that this Court has not expressed any opinion on merits of this case.

SD/-

(BIBHU DATTA GURU)
JUDGE

Gowri/

Amardeep