CGHC010417832026 2026:CGHC:46510

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7913 of 2026

Maheshwari Thakur D/o Late Shri Genduram Aged About 34 Years Occupation - Assistant Grade - Iii, Under The Directorate Of Fisheries Department, Atal Nagar Nawa Raipur R/o Village Post And P.S. Rakhi, - Block - Arang District - Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Fisheries Department, Mantralay Mahanadi Bhawan, Atal Nagar Nawa Raipur District - Raipur (C.G.)

2 - The Director Directorate Of Fisheries Department, Indrawati Bhawan, 4th Floor, (B-Block) Atal Nagar Nawa Raipur District - Raipur (Cg)

3 - The Joint Director Fisheries Department, Indrawati Bhawan, 4th Floor, (B-Block) Atal Nagar Nawa Raipur District - Raipur (C.G)

4 - The Joint Director, Treasury, Account And Pension, Raipur District - Raipur (Cg)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:	Shri Santosh Kumar Pandey, Advocate
For Respondent(s)	:	Shri Suyashdhar Badgaiyan, Govt. Advocate along with Shri Shreyansh Mehta and Ms. Apurva Nigam, Panel Lawyers

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

03.11.2026

1. The petitioner has approached this Court seeking following reliefs:

> *"10.1 This Hon'ble Court may kindly be pleased to set-aside the impugned order dated 11.08.2026 issued by the office of respondent no. 2 (Annexure P-6).*
>
> *10.2 This Hon'ble Court may kindly be pleased to direct the respondents to pay the regular annual increment to the petitioner since from initial date of appointment without any deduction.*
>
> *10.3 This Hon'ble Court may kindly be pleased to direct the respondents to maintain the seniority of petitioner in the gradation list."*

2. (A) Learned counsel for the petitioner submits that, so far as the claim for grant of annual increments is concerned, the same deserves to be considered in accordance with the applicable policy. It is submitted that annual increments are granted on the basis of good conduct of the employee and the petitioner cannot be deprived of the same for an omission which is attributable to the respondent authorities. Learned counsel for the petitioner further submits that a similar issue has already been considered by this Court in WPS No.2128 of 2013. It is further submitted that the petitioner was appointed on compassionate grounds and, as per the policy governing such appointment, she was required to pass the Hindi Typing Skill Test. However, till 2023/2024, the requisite examination was not conducted. Consequently, the petitioner could not appear in the said examination despite the condition prescribed under the policy.

(B) Learned counsel for the petitioner submit that the respondent authorities themselves have admitted that the Hindi Typing Examination could not be conducted. It is submitted that subsequently the examination was proposed to be conducted at the district level in the year 2023, but the

same was cancelled after a decision was taken to conduct the examination on a centralized basis through the Directorate of Public Instruction. Learned counsel for the petitioner submit that the petitioner cannot be made to suffer for the failure of the respondent authorities to conduct the Hindi Typing Skill Test within the period prescribed under the policy. According to him, if the examination itself was not conducted, the petitioner cannot be denied the benefit of annual increments on the ground that she had not passed the said examination.

3. Per contra, learned counsel appearing for the respondents submits that the condition regarding passing of the Hindi Typing Skill Test is contained in the applicable policy and, therefore, the petitioner cannot claim the benefit of increment contrary to the said condition. It is submitted that the examination was subsequently conducted through the Directorate of Public Instruction and the petitioner is required to comply with the prescribed condition.
4. Heard learned counsel for the petitioner as well as learned counsel appearing for the respondents.
5. From the material placed on record, it is not in dispute that the policy governing compassionate appointments contains a

specific condition regarding passing of the Hindi Typing Skill Test. The relevant provision contemplates that the person appointed on compassionate grounds is required to pass the Hindi Typing Skill Test within the period prescribed therein. The policy further provides for extension of the period in the circumstances contemplated therein and also contains a provision regarding the consequence of passing the examination and grant of increment.

6. The respondents themselves have stated that though an examination was proposed to be conducted at the district level in the year 2023, subsequently a decision was taken to conduct the examination on a centralized basis through the Directorate of Public Instruction and, accordingly, the earlier proposed examination was cancelled. Thereafter, the responsibility of conducting the Hindi Typing Examination was entrusted to the Directorate of Public Instruction and, pursuant to the notice dated 22.03.2024, the examination was conducted on 12.05.2024 and 19.05.2024.

7. Thus, the record indicates that for a considerable period the requisite Hindi Typing Skill Test was not conducted in the concerned district. In such circumstances, the petitioner

cannot be said to have deliberately avoided or refused to appear in the examination. The inability of the petitioner to comply with the condition of passing the skill test during the relevant period cannot, therefore, be attributed solely to the petitioner when the examination itself was not being conducted by the respondent authorities.

8. The condition prescribed under the policy cannot be disputed. The petitioner, therefore, are required to comply with the said condition. However, the benefit of annual increment for the intervening period i.e. from the date of appointment till passing the examination of Hindi Typing Skill Test cannot be denied merely on the ground that the petitioner could not pass an examination which was not conducted by the respondent authorities during the relevant period. In view of the aforesaid facts and circumstances, the petitioner is entitled to consideration of her claim for grant of annual increments for the period in question. However, for further entitlement to increments and for regularization, the petitioner shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

9. In view of the aforesaid facts and circumstances, the respondents are directed to grant to the petitioner the annual increments which became due to her, subject to her date of appointment and her entitlement under the applicable service rules/policy. The said benefit shall not be denied to the petitioner merely on the ground that she had not passed the Hindi Typing Skill Test during the aforesaid period. It is, however, made clear that for his further entitlement to annual increments and for regularization, the petitioner shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

10. At this juncture, learned counsel for the petitioner submits that the petitioner is entitled to the benefit of increment from the year of his appointment, i.e., 2016. He further submits that although the increment was initially granted in favour of the petitioner. Thereafter, vide order dated 11.08.2026, the authorities initiated recovery proceedings on the ground that the increment had been wrongly granted to the petitioner. According to learned counsel, the requisite skill test was not conducted by the department till the year 2023/2024 and, therefore, the petitioner cannot be deprived of the benefit of

increment for the said period. It is, thus, contended that the order dated 11.08.2026 is bad in law. The aforesaid submissions made on behalf of the petitioner have not been controverted by learned State counsel.

11. Having considered the facts and circumstances of the case and the submissions made by learned counsel for the parties, this Court finds that the petitioner is entitled to the benefit of increment for the period from 2016 to 2023. Accordingly, the order dated 11.08.2026 (Annexure P/6), as well as the consequential order dated 14.10.2026 issued pursuant thereto for recovery of the alleged excess payment, are hereby quashed.

12. The respondents shall accordingly re-fix the pay of the petitioner by granting the aforesaid increments by examining the year of his appointment and the year of examination and release the arrears of increment in favour of the petitioner for the said period. Thereafter, from the date of passing of the Hindi Skill test examination, the petitioner is entitled for further increment in accordance with the applicable policy/Rules. The respondents are also directed to refund the entire amount, if any deducted, pursuant to the order dated

11.08.2026. The entire exercise shall be completed, within a period of three months from the date of receipt of a copy of this order.

13. The petition is accordingly allowed to the aforesaid extent.

Sd/-

(Bibhu Datta Guru)

JUDGE

Shoaib