



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

W.P.(S) No. 960 of 2023

1. Mahendra Kumar Yadav S/o Mr. Ajman Singh Aged About 39 Years Post Teacher (Local Body) Posted At Govt. Upper Primary School Kunna, Block Chhindgarh, Distt. Sukma (C.G.)
2. Goutam Kumar Dhruw S/o Mr. Sukalu Ram Dhruw Aged About 42 Years Post Teacher (Local Body) Posted At Govt. Upper Primary School Pedapara, Block Chhindgarh, Distt. Sukma (C.G.)
3. Mrs. Laxmi Vecco Markam W/o Deva Ram Markam Aged About 36 Years Post Lecturer (Local Body) Posted At Govt. High School Talnar, Block Chhindgarh, Distt. Sukma (C.G.)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Secretary Panchayat And Rural Development Department, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Director Panchayat And Rural Development Department, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
4. District Education Officer District Sukma, Chhattisgarh
5. Janpad Panchayat, Uttar Bastar Knker, Through It Chief Executive Officer, Janpad Panchayat, District Uttar Baster Kanker, Chhattisgarh

---- **Respondents**

For Petitioners	:	Shri Parag Kotecha, Advocate
For State	:	Shri R.K. Bhagat, Dy.G.A

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

01/02/2023

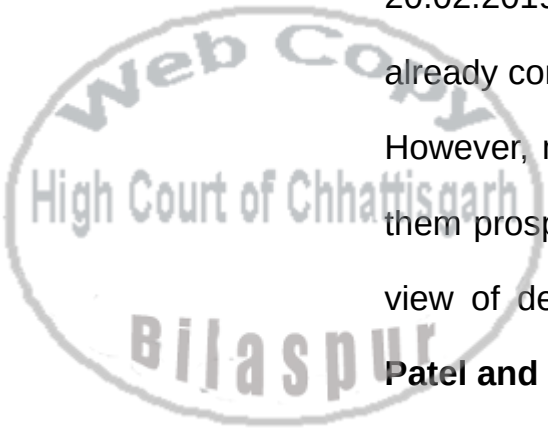
Heard.

1. Learned counsel for petitioners submits petitioner No.1 and 2 were initially appointed on the post of Shiksha Karmi Grade-III



vide order dated 31.07.2008 and 01.05.2005 and petitioner No.3 was initially appointed as Shikshakarmi Grade-II vide order dated 11.12.2007. Petitioners while working on the above post, participated in the fresh recruitment process and petitioners No.1 and No.2 were appointed as Shiksha Karmi Grade-II vide order dated 05.07.2010 and 01.03.2009 respectively and petitioner No.3 was appointed as Shikshakarmi Grade-I vide order dated 11.08.2011. According to policy/circular issued by State Government, petitioners were extended benefit of revised pay scale vide order dated 28.05.2019, 06.02.2019 and 20.02.2019 respectively on the ground that petitioners have already completed 8 years of their service with respondent No.5. However, monetary benefits of revised pay scale were given to them prospectively from the date of order. He contended that in view of decision in WPS No. 2530 of 2017 (**Mukesh Kumar Patel and another versus State of Chhattisgarh and another**) and in case of **Avinesh Kumar Namdev and Ors. Vs. State of Chhattisgarh and Ors** (WPS No. 5328 of 2021), petitioners are entitled for arrears of revised pay scale from the date of completion of 8 years of their service.

2. Learned State counsel opposing the submission made by learned counsel for petitioner would submit that he is only representing State. Claim for grant of arrears of revised pay scale is against respondent No.5. He further submits that along with writ petition, petitioner has not submitted any document to show that petitioner has approached respondent No.5 for his grievance as raised in this petition.





3. At this stage, learned counsel for petitioner submits that he may be permitted to submit representation before respondent No.5 and respondent No.5 be directed to decide the same as early as possible within specified time.
4. I have heard learned counsel for parties and perused the documents placed on record.
5. Taking into consideration the grievance raised by petitioner with regard to non-payment of arrears of revised pay scale, this petition is disposed off without issuing notice to respondent No.5 directing petitioner to submit representation within a period of two weeks before respondent No.5 and in turn respondent No.5 shall consider and decide same within a further period of six weeks from the date of receipt of copy of representation keeping in mind decision rendered in the case of **(Mukesh Kumar Patel and another (supra) and Avinesh Kumar Namdev (supra))**.
6. With the aforementioned observation and direction, the writ petition stands disposed of.
7. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

Judge