



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

Writ Petition (S) No. 1348 of 2023

- Mrs. Suneeta Kuldeep W/o Mr. Vijay Kuldeep, Aged About 40 Years By Caste Panika, Post Assistant Teacher (Local Body) Posted At Govt Primary School Bhakkupara Kotela, Block Charma, District Uttar Bastar Kanker Chhattisgarh.

-----Petitioner

VERSUS

1. State of Chhattisgarh through its 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 Uttar Baster Kanker, Chhattisgarh.
5. Janpad Panchayat, Uttar Baster Kanker Through Its Chief Executive Officer, Janpad Panchayat, District Uttar Baster Kanker, Chhattisgarh.

-----Respondents

(cause title is taken from Case Information System)

For Petitioner : Mr. Parag Kotecha, Advocate

For Respondent-State : Mr. Anshuman Shrivastava, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

02/03/2023

1. Grievance of petitioner in this writ petition is of non-granting benefit of revised pay scale upon completion of 08 years of service from the date of initial appointment.
2. Learned counsel for petitioner would submit that petitioner was initially appointed as Siksha Karmi-III vide order dated 01.08.2008. Subsequently, while working on the said post, she participated in the fresh recruitment proceedings for appointment on the post of Siksha Karmi, in which she became successful and got appointment vide order dated 16.06.2010. According to the order dated 17.05.2013 issued by the State Government, teachers working under the panchayat department are entitled for revised pay scale from the date



when they completed 08 years of service. Petitioner along with others was extended benefits of revised pay scale *vide* order dated 30.01.2019. Though in the order of granting revised pay scale the eligibility for revised pay scale after 08 years is mentioned as 01.08.2016 but the monetary benefits have been given only from the date of order i.e., 30.01.2019 and therefore petitioner is entitled for arrears of revised pay scale from 01.08.2016 to 30.01.2019. In support of his contention he places reliance upon the decision in case of ***Mukesh Kumar Patel and another vs. State of C.G. and another*** in **WPS No. 2530 of 2017** and ***Avinesh Kumar Namdev and others vs. State of C.G. and others*** in **WPS No. 5328 of 2021**.

3. On the other hand, learned State counsel submits that claim of petitioner, if any, is against Respondent No. 5 and he is only representing the State. He however submits that from the documents it is not appearing that petitioner has approached Respondent No. 5 by way of filing any application/ representation for redressal of grievance.
4. At this stage, learned counsel for petitioner would submit that petitioner may be permitted to submit a fresh representation before Respondent No. 5 and in turn Respondent No. 5 be directed to consider and decide the representation of petitioner expeditiously within specified time.
5. I have heard learned counsel for the parties, perused the documents annexed along with writ petition.
6. Considering the submission of learned counsel for petitioner and also facts and circumstances of the case, without entering into the merits, I find it appropriate to dispose of this writ petition at this stage permitting the petitioner to submit detailed representation raising all grounds as raised in this writ petition before Respondent No. 5 and further directing Respondent No. 5 to consider and decide the same



at the earliest.

7. Accordingly, writ petition is disposed of permitting petitioner to submit detailed representation alongwith relevant documents before Respondent No. 5, and if such representation is submitted by the petitioner, Respondent No. 5 shall consider and decide the same, in accordance with law, expeditiously preferably within an outer limit of **four months** from the date of receipt of representation, keeping in mind the decision of this Hon'ble court in cases of **Mukesh Kumar Patel** (supra) and **Avinesh Kumar Namdev** (supra).

Certified copy as per rules.



Sd/-
(Parth Prateem Sahu)
Judge