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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6718 of 2022

- Bharat Bhushan Sharma S/o Shri Bhola Ram Sharma, aged about 45 years Presently Working As Lecturer (L.B.) At Government Diet, Maharajpur, District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
2. Commissioner-Cum-Director Directorate Of Panchayat, Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. Chief Executive Officer Zila Panchayat, Kabirdham, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondents

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For Petitioner : Mr. Kaushal Yadav, Advocate

For State : Mr. Sandeep Dubey, Dy. A.G.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

20.10.2022

Heard.

1. Counsel for the petitioner submits that the petitioner was initially appointed on the post of Shikshakarmi Grade-II on 06.08.2008. Thereafter, the petitioner participated in the recruitment process and he was appointed on the post of Shikshakarmi Grade-I vide order dated 16.07.2011. As per the notification issued by the State Government dated 17.05.2013 wherein, the

Teacher (Panchayat) who have completed 8 years of service are entitled for the revised pay scale. The petitioner was extended the benefit of revised pay scale pursuant to the notification dated 17.05.2013 but the service of the petitioner has been counted from 06.08.2016. He contended that the issue of considering the period of service in which any of the employees have worked in the lower post are to be considered is decided in **WPS No. 2530 of 2017 (Mukesh Kumar Patel and another versus State of Chhattisgarh and another)** and the case of the petitioner is covered by the said judgment. He also referred to the order passed by co-ordinate Bench of this Court in case of **Avinesh Kumar Namdev and Ors. Vs. State of Chhattisgarh and Ors (WPS No. 5328 of 2021).** Counsel for the petitioner submits that in view of the issue already considered and decided by this Court, at this stage, the grievance of the petitioner will be redressed if the direction is issued to respondent No. 3 to consider and decide the representation of the petitioner vide Annexure-P/5 dated 19.02.2019 for grant of revised pay scale w.e.f 06.08.2016.

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2. Learned counsel for the State submits that in view of submission of learned counsel for the petitioner that his representation be considered and decided by respondent No. 3, at the earliest, he is having no objection.

3. The petitioner has placed on record Notification dated 17.05.2013 (Annexure-P/1). Submission of learned counsel for the petitioner is that he was not given the benefit of revised pay scale with respect of the period w.e.f 06.08.2016 erroneously.

4. In view of the submission made by counsel for the parties, it is directed that the respondent No. 3 shall decide the representation of the petitioner i.e. Annexure-P/5 dated 19.02.2019, at the earliest, preferably within a period of 6 weeks from the date of receipt of copy of this order, in

accordance with law, subject to verification of the facts, keeping in mind the decision rendered in the case of **Avinesh Kumar Namdev** (supra).

5. It is made clear that this Court has not expressed any opinion on the merits of claim of the petitioner and it will be for respondent No. 3 to consider and decide representation on its own merits.

6. With the aforementioned observation and direction, the writ petition stands disposed of.

Sd/-

(**Parth Prateem Sahu**)
JUDGE

Saurabh

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