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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 1311 of 2008**

**PETITIONER** : Natthu Ram Sidar, S/o Shri Pik Ram Sidar, aged about 50 years, Assistant Teacher, Government Higher Secondary School, Kharasia, Block Kharsia, District Raigarh (CG).

**VERSUS**

**RESPONDENTS** : 1. State of Chhattisgarh Through Secretary, School Education Department DKS Bhawan, Raipur (CG).  
2. The Assistant Commissioner Tribal & Welfare Department Raigarh (CG).  
3. Block Education Officer Kharsia, District Raigarh (CG).

(WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA)

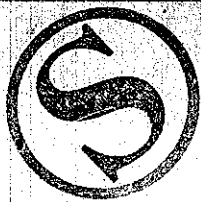
**(SB: Hon'ble Mr. Satish K. Agnihotri, J.)**

**Present** : Shri Anil Mourya, Advocate for the petitioner.  
Shri Alok Bakhshi, Govt. Advocate for the State/respondents.

**ORAL ORDER**

**(Passed on 29<sup>th</sup> of February, 2008)**

1. The petitioner was initially appointed as Assistant Teacher on fixed pay of Rs. 150/-. After completion of probation, the petitioner was granted regular pay scale.
2. Similarly situated employees had approached the Madhya Pradesh State Administrative Tribunal, Jabalpur. The Tribunal passed the order on 24.08.1992 in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & Others.).
3. It was further held that the said benefit would be given to all the teachers and they should not be compelled to approach the Tribunal for similar benefit individually or collectively.
4. Being aggrieved, the then State of Madhya Pradesh had filed the Special Leave Petition (Civil) No. 6892/93 impugning the order dated 24.08.1992 passed by the Madhya Pradesh Administrative Tribunal, Jabalpur in O.A. No. 2745/89. The Hon'ble Supreme Court after hearing counsel for the parties, dismissed the Special Leave Petition and having regard to the large financial implications, granted one year's time to settle the claim for the arrears without interest vide order dated 03.01.1994. It was further observed that the intervention would work out their rights in accordance with law. This order dated 24.08.1992 passed by the Tribunal in O.A. No. 2745/1989 is applicable to the



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petitioners being similarly situated and they are accordingly entitled to the same benefit.

5. Learned counsel appearing for the petitioner submits that this Court while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another in Writ Petition (S) No. 813 of 2007 by order dated 12.02.2007, has granted regular pay scale w.e.f. the date of initial appointment.
6. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (Supra). However, the state is at liberty to verify the facts of appointment as to whether the case of the petitioner is similar to that of the order dated 12.02.2007 passed by this court in W.P. (S) No. 813 of 2007 (Supra).
7. In view of that this petition is allowed in the same terms i.e. petitioner is entitled to the same relief as was granted by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) and subsequently confirmed by order dated 03.01.94 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The petitioner shall be governed by the orders passed by the Tribunal as well as by the Hon'ble Supreme Court (supra) accordingly, subject to verification of the facts. No order as to costs.

Sd/-  
Satish K. Agnihotri  
Judge