

CF. 1002

(1) (5)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (CHHATTISGARH)

WRIT PETITION (S) NO. 1368 /2010.

PETITIONER:

✓ Suresh Kumar Shrivastava, son of
Shivcharan Shrivastava, aged about 50
years, Posted as Upper Division
Teacher, Govt. Higher Secondary
School, Sindhiya, Block Podi-Uroda,
Korba, Chhattisgarh.

1448/2010
N.K. Chakraborty
29/3/2010
Presiding Officer
Bilaspur

versus

Respondents

- ✓ 1. State of Chhattisgarh, Through,
The Secretary Tribal Welfare
Department Ministry D.K.S. Bhawan,
Raipur, Chhattisgarh.
- ✓ 2. Commissioner, Schedule Tribe and
Schedule Caste Development,
Chhattisgarh, Raipur.
- ✓ 3. Assistant Commissioner, Tribal
Welfare Korba, District Korba,
Chhattisgarh.
- ✓ 4. Joint Director, Treasury, Accounts,
Korba, Chhattisgarh.



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER(S):
As mentioned in the Cause title.

gm



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1368 of 2010

Petitioner

Suresh Kumar Shrivastava

Versus

Respondent

State of Chhattisgarh & others

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA
(SB : Hon'ble Mr. Satish K. Agnihotri, J.)**

Present :- Shri K.S. Pawar, Advocate for the petitioner.
Shri P.K. Bhaduri, Panel Lawyer for the State.

**ORDER (ORAL)
(Passed on 31st of March, 2010)**

With the consent of learned counsel appearing for the parties, the petition is heard finally.

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed initially as Assistant Teacher on a fixed pay of Rs. 150/- on probation. After completion of his probation period, the petitioner was granted regular pay scale of Rs. 169-300/-. Learned counsel further submits that the issue involved in the case is as to whether the petitioner is entitled to regular pay scale with effect from the date of initial appointment or after completion of probation period.
2. The issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur (for short "the SAT") in O.A.No.2745/89 (*Madhukant Yadu and 56 others vs. State of M.P. & others*), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Supreme Court. The appeal was dismissed by the Supreme Court, upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.
3. In view of the above submissions made by learned counsel for the parties, the writ petition is disposed of. On request of the learned counsel, the petitioner is granted liberty to make a representation to the respondent authorities, if so advised, to consider his case and pass appropriate order, on its own merit and in its perspective, in the light of the order passed by the SAT in *Madhukant Yadu* (supra), subsequently confirmed by the Supreme Court in Special Leave Petition (Civil) No. 6892/93 by order dated 3-1-1994. The authorities shall consider and pass the order in accordance with law expeditiously.

Arun

Sd/-
SATISH K. AGNIHOTRI
Judge