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CR 3007

Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (C.G.)

W.P. (S) NO. 3397 /2011

PETITIONERS

1. Shiv Charan Yadav, aged about 52 years, S/o Shri Madan Singh, R/o Govindpur, Tahsil Kanker Distt. North Baster Kanker (C.G.)
2. Sanyal Singh Nareti, aged about 53 years, S/o Late Shri Noher Singh Nareti, R/o Village Makri, Tahsil Charama Distt. North Baster Kanker (C.G.)
3. Premnth Teta, aged about 52 years, S/o Rihodas Ram Teta, R/o Andi, Tahsil Kanker, Distt. North Baster Kanker (C.G.)

P.R. No. 3505/2011  
Presented by Mr. T. H. A. S.  
dated 20/6/2011



VERSUS

RESPONDENTS :

1. State of Chhattisgarh  
Through Secretary,  
Tribal Welfare Department  
D.K.S. Bhawan, Raipur (C.G.)
2. The Commissioner  
Tribal Welfare Department  
Raipur (C.G.)
3. Joint Director, Treasury, accounts,  
pension, North Baster Kanker (C.G.)

Am

4. The Assistant Commissioner, Tribal  
Welfare Department, Kanker, Distt.  
North Baster Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

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XI-HC-78

24

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(S) no. 3397/11 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अंतिम आदेश |
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|                                    | <p><b><u>SB : Hon'ble Shri Manindra Mohan Shrivastava, J.</u></b><br/><b><u>30-06-2011</u></b></p> <p>Shri D.N.Prajapati, counsel for the petitioners.<br/>Shri A.V.Shridhar, Panel Lawyer for the State.</p> <p>With the consent of learned counsel for the parties, the matter is heard finally.</p> <p>The petitioners were appointed on a fixed pay of Rs.150/-. After successfully completing the probation period of 2 years, they were granted regular pay scale.</p> <p>Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether, the petitioners are entitled to regular pay scale with effect from the date of initial appointment or after completion of probation period.</p> <p>The issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in <b><u>O.A.No.2745/89 (Madhukant Yadu and 56 others v. State of M.P. &amp; others)</u></b>, wherein, it was held that the similarly situated teachers are entitled to regular pay scale with effect from the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court, upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.</p> <p>Accordingly, the petitioners are granted liberty to make a representation raising all their grievances, in the light of the aforesaid judgment and circular dated 27/12/2008 and in turn, the concerned respondent is directed to consider his case on its own merits and in its perspective. If the petitioners stand on the same footing as per order passed by the State Administrative Tribunal in</p> |                                                          |

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक w.p.(3) no. 3397/11 सन् 200

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश - २ -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अंतिम आदेश |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Deepthi                            | <p>Madhukant Yadu (Supra) and subsequently confirmed by the Supreme Court in Special Leave Petition (Civil) No.6892/93 by order dated 3/1/95, the petitioners may be entitled to same relief accordingly.</p> <p>It is expected from the State authorities to pass suitable order after due scrutiny of the facts.</p> <p>It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned would be at liberty to decide the representation strictly in accordance with law.</p> <p>With the aforesaid observations, the petition is finally disposed off.</p> | <p>Sd/-<br/>Manindra Mohan Shrivastava<br/>Judge</p>     |