

CB 1002

SINGLE BENCH

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)

W.P. (S) No. 1611 of 2010

PETITIONER

: Dharam Lal Yadav S/o Shri Pyare
Lala Yadav, Lecturer, R/o Ware
House Road, Near Nowa Office
Bilaspur, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS

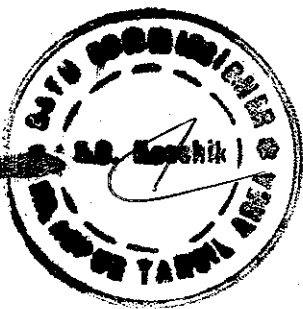
1) State of Chhattisgarh

Through-The Secretary, Department of ,
Urban Development and Administration
Mantrallaya, D.K.S. Bhawan Raipur,
Distt. Raipur (C.G.)

2) Municipal Corporation Bilaspur,

Through-Its Commissioner, Municipal
Corporation Building, Nehru Chowk
Bilaspur (C.G.)

PR. No. 1737/2010
Manzil Singh Yadav
9/12/2010



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OR
MANDAMUS/DIRECTION OF OTHER APPROPRIATE WRIT.



57

HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO.1611 OF 2010

PETITIONER

Dharam Lal Yadav

Versus

RESPONDENTS

State of Chhattisgarh & Another

(Writ Petition under Article 226/227 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri Somkant Verma, Advocate for the petitioner.
Shri A.V. Shridhar, Panel Lawyer for the State.
Shri Mateen Siddiquir, Advocate for the respondent No.2.


ORDER

(Passed on this 30th day of April, 2012)

Heard learned counsel for the parties.

1. The petitioner in this writ petition claimed similar benefit, as has been granted by this Court in *Smt. Kavita Tiwari vs. State of Chhattisgarh and another*¹.
2. Learned counsel for the petitioner submits that against the order passed by this Court in *Smt. Kavita Tiwari* (supra), the respondent-Corporation has filed a Special Leave Petition before the Supreme Court, and though, the petition has been admitted; there is a direction by the Supreme Court for payment of 50% due in that case. Further submission of learned counsel for the petitioner is that on the basis of order of this Court in *Smt. Kavita Tiwari* (supra), in cases of similarly situated Lecturers, orders have been passed by this Court on 10-07-2006 in Writ Petition No.2756 of 2002 (*Chandra Bhushan Pandey & others vs. State of Chhattisgarh & others*) and in case of *Smt. Usha Gupta and others vs. State of Chhattisgarh and another* in Writ Petition No.4084 of 2003, decided by this Court on 28-09-2010 along with two other connected writ petitions. Learned counsel for the petitioner submits that as *Smt. Kavita Tiwari* has been paid 50% back wages, the respondent-

¹ WP No.4003 of 2003 (decided on 29-3-2006)



Corporation should also consider their cases in the matter of grant of 50% of the benefit of regular pay scale, as has been granted to Smt. Kavita Tiwari.

3. The issue raised in this writ petition has already been considered by this Court in *Smt. Kavita Tiwari* (supra). The matter is now pending in the Supreme Court and there is a direction for payment of 50% back wages to Smt. Kavita Tiwari by the Supreme Court. It has also been brought to the notice of this Court that in the case of similarly situated (*Smt. Kalpna Dubey and another vs. State of Chhattisgarh and another*) in W.P.(S)No.3271 of 2011, the writ petition was finally disposed of vide order dated 24-06-2011 with a direction to the respondent authority to consider the petitioners claim.
4. Taking into consideration the entire aspect of the matter, instead of keeping the matter pending, and further taking into consideration that this Court has finally disposed of the case of Smt. Kalpna Dubey, this petition is also finally disposed of with a direction to the respondent-Corporation to consider the petitioner's grievance. The petitioner may prefer a detailed representation to the respondent No.2, who shall consider the claim of the petitioner and take appropriate decision in the matter, strictly in accordance with law, as expeditiously as possible. In case, grievance of the petitioner is not redressed, it would be open for the petitioner to take recourse to such remedy as may be available to him under the law, if so advised. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge

Gowri