

**(2019) 02 CHH CK 0136**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 868 Of 2019

Champat Lal Patel

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Feb. 11, 2019

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Jeet Patel, Astha Shukla

**Final Decision:** Disposed Of

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### **Judgement**

P. Sam Koshy, J

1. Heard.

2. The petitioner was initially appointed on the post of Trainee Teacher and was sent for taking BTI Training. After completion of one year Training,

the petitioner was posted as Assistant Teacher on a fixed pay of Rs.150/-. After passing the BTI Second Year examination, he was granted regular

pay scale.

3. Learned counsel appearing for the petitioner submitted 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.

4. The issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in OA No.2745/89 (Madhukant Yadu

and 56 others Vs. State of M.P. and others), 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. 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.

5. Learned counsel appearing for the petitioner also submits that this Court, while considering the same issue in Amar Sai Ram and others Vs. State of Chhattisgarh and others (WPS No.4725 of 2006), by order dated 1.9.2006, allowed the petitioner therein to make a representation along with copy of the petition and annexures within a period of ten days, raising all their grievances and in turn, the concerned respondent was directed to decide the representation in an objective manner within a period of 30 days from the date of receipt of the representation.

6. Accordingly, the petitioner is granted liberty to make a representation raising all his grievances and in turn, the concerned respondent is directed to decide the representation, if any, in accordance with law, on its own merits, within a period of eight weeks from the date of receipt of representation, subject to verification of the facts.

7. In view of the foregoing, the petition is disposed of. No order as to costs.