



2026:CGHC:15285

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 646 of 2021

1 - Nageshwar Singh Baghel S/o Shri Man Singh Baghel Aged About 51 Years
Occupation Attendant, Veterinary Hospital, Gram And Tehsil Katekalyan Office Of
The Deputy Director, Veterinary Services, Dantewada District Dantewada
Chhattisgarh, Resident Of Gram And Post Chhindawada, Tehsil Darbha, District
Bastar Chhattisgarh 494115., District : Bastar(Jagdarpur), Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary , Veterinary Department,
Mantralaya At Mahanadi Bhawan, Atal Nagar , Nava Raipur Chhattisgarh 492002.,
District : Raipur, Chhattisgarh

2 - Director , Veterinary Services Indrawati Bhawan, Atal Nagar , Nava Raipur
Chhattisgarh 492002., District : Raipur, Chhattisgarh

3 - The Deputy Director Veterinary Services , Dantewada District Dantewada
Chhattisgarh., District : Dantewada, Chhattisgarh

... Respondent(s)

(Cause Title is taken from Case Information System)

For Petitioner/s	: Shri Tanmay Thomas, Advocate.
For Respondent/ State	: Shri Abhuday Tripathi, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

02.04.2026

1. The petitioner has filed this petition seeking the following reliefs:

“10.1 That this Hon'ble Court may kindly pleased to direct the respondent authorities sanction the pay scale of Rs. 2550-3200/- from the date of completion of the 03 years in collector rate;

10.2 That this Hon'ble Court kindly be pleased to direct the respondents to fix the seniority and salary of the petitioner accordingly and pay the arrears of the difference of the pay;

10.3 Any other relief which this Hon'ble Court may deem fit and proper may also be passed in favor of the petitioner together with cost of the petitioner.”

2. Learned counsel for the petitioner would submit that the petitioner was initially appointed as a Sweeper against a sanctioned and vacant post by the Joint Director, Veterinary Services, Jagdalpur vide order dated 14.12.1992 at the Collector rate. The petitioner was subsequently granted a pay-scale of Rs.2550-3200 vide order dated 27.1.2009. The petitioner and Gokul Ram filed WP(S) No. 6244 of 2017 seeking a direction to the respondents to grant the said pay scale. Consequently, the respondent authorities were directed to decide the representation of both the petitioners within a period of three months. Pursuant to that order, the authorities granted a regular pay-scale effective from the date of completion of three years of service to Gokul Ram Baghel, who was the first petitioner in the said writ petition. However, regarding the present petitioner, respondent No.3 issued a letter dated 24.1.2018 stating that the petitioner has been receiving the regular pay-scale of

Rs.2550-3200/- from 27.1.2009. He would submit that the petitioner is entitled to get the said benefit since December, 1995 i.e. the date of completion of three years of service. He would contend that the issue involved in the present case is no more *res integra*. The Hon'ble Supreme Court in the matter of **Rakesh Kumar Charmakar and Ors. vs. State of Madhya Pradesh and Ors.**, passed in **SLP(C) No.8613-8614 of 2022** extended benefit of regular pay-scale. The relevant paragraphs 13, 14, 17 & 18 are read as under:

“13. It is clear that all the nine appellants were appointed under an order issued by Deputy Director of Veterinary Sciences in compliance with direction and order of Collector, on the ground of recommendation of the Selection Committee constituted by Collector, against the vacant posts as part time sweepers at Collector's prescribed rates. The appointment orders make it clear that appellants were appointed on sanctioned and vacant posts although on temporary basis. Further, the appellants were appointed for posts reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes under Special Recruitment Drive. This contradicts the argument of the State that appellants were appointed on non-sanctioned posts, only for necessity of work.

14. On the issue of whether present Appellants are similarity situated as the petitioners in *Ram Naresh Prajapati*, we agree with the finding of Single Judge in its order dated 12.07.2019. The petitioners in *Ram Naresh Prajapati* were also appointed under Special Recruitment Drive, against the vacant posts, on temporary basis. The only factual distinction pointed out by the State and upheld by the Division Bench in the impugned order, is the subsequent appointment of those petitioners on sanctioned posts of Attendant, Bull-Attendant, Servant, etc. after the scrutiny by the Committee. The State in its Reply to the Writ Petition before High Court has itself stated that no

such Screening Committee has been constituted to scrutinise the eligibility and qualification of the present appellants. The appellants however state that they are ready for such scrutiny if the State directs so. In our considered opinion, this factual difference is not enough to conclude that Appellants are differently situated from *Ram Naresh Prajapati*, because the appellants have sufficiently proven that they were employed on regular and sanctioned posts by their initial appointment orders. They are thus covered under Clause 6 of the Circular dated 10.05.1984 since they have completed three years after being employed as 'temporary' employees on Collector's wages, with recommendation of the District Level Recruitment Committee. It is thus clear that they fulfil all the conditions stipulated in the Circular to grant revised pay-scale. Their designation as 'part-time' sweepers does not affect the validity of their appointment since they were appointed against sanctioned posts nevertheless. Appellants were thus appointed on regular posts even though they were temporary. The provisions of the 1979 Rules and Circular dated 10.05.1984 are both fulfilled by the appellants and thus they are entitled for regular pay-scale. The Division Bench of High Court erred in distinguishing the case of *Ram Naresh Prajapati* from the present appeals.

17. After considering the facts and circumstances of the case, we are of the opinion that Division Bench erred in setting aside the judgement of the Single Judge of High Court dated 12.07.2019. The Single Judge rightly granted the benefit of regular pay-scale to the appellants.

18. We thus set aside the impugned order of Division Bench dated 02.12.2019 and uphold the order of Single Judge, allowing the writ petition extending the benefit of regular pay-scale to the Appellants.”

3. On the other hand, learned counsel for the State would oppose the submissions made by counsel for the petitioner. He would submit that initially the petitioner was appointed as part-time Sweeper at the Collector rate on a purely temporary basis and his services were subsequently regularized in the contingency paid establishment at a pay-scale of Rs.2550-3200/-. It is argued that the petitioner would be entitled to receive the regular pay-scale from the date of regularization i.e. 27.1.2009, and said benefit has already been extended. He would submit that the petition deserves to be dismissed.
4. I have heard learned counsel for parties and perused the documents available on record.
5. It is not in dispute that the petitioner was appointed by the Competent Authority against a vacant post as a part-time Sweeper at the Collector's prescribed rate. It is also not in dispute that Gokul Ram Baghel, petitioner No.1 in WP(S) No.6244 of 2017 has already been granted the benefit of the regular pay-scale. The Hon'ble Supreme Court has held that it would be unjust, unfair and arbitrary if such benefit is not extended to the appellants who were appointed as temporary employees against vacant and sanctioned posts. The Hon'ble Supreme Court further affirmed the judgment passed by the Writ Court, whereby benefit of the regular pay-scale was extended.
6. Taking into consideration the facts of the present case and the law laid down by the Hon'ble Supreme Court, this writ petition is allowed and the respondent authorities are directed to extend benefit of the regular pay-scale to the petitioner including arrears and the difference in pay from the date of completion of three years of service, keeping in mind

the law laid down by the Hon'ble Supreme Court in the matter of **Rakesh Kumar Charmakar** (supra). The entire exercise shall be completed by the respondents within a period of 90 days from the date of receipt of a copy of this order.

7. With the aforesaid observation(s), the present petition is disposed of.

Sd/-

(Rakesh Mohan Pandey)
Judge

Nimmi