



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1382 of 2015**

Chandrashekhar Gaikwad S/o Yogiraj Gaikwad Aged About 62 Years R/o Budhapara, Near Hanuman Mandir, Raipur P.S. Budhapara, Tehsil And District Raipur Chhattisgarh, Chhattisgarh

... **Petitioner****versus**

1 - State Of Chhattisgarh S/o Through Principle Secretary Department Of Health, Mahanadi Bhawan, Raipur, Chhattisgarh

2 - Director, Directorate Of Health Services, Mahanadi Bhawan, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Syed Majid Ali, Advocate
For Respondents/State	:	Mr. Vinod Tekam, Govt. Advocate and Mr. Vikhyat Arora, Panel Lawyer

Hon'ble Shri Justice Ravindra Kumar Agrawal**Order on Board****19/01/2026**

1. The petitioner has filed the present writ petition challenging the order dated 20.06.2013 (Annexure P/5), passed by respondent No. 2, whereby the representation of the petitioner for grant of second time-bound pay scale was rejected.
2. Learned counsel for the petitioner would submit that, the petitioner was initially appointed on the post of Non-medical staff on 12.04.1977. He was continued in his service with utmost sincerity. The petitioner



was ordered for granting first time scale pay with effect from 23.02.2010 vide order dated 01.04.2010. The State of Chhattisgarh had issued a finance instructions on 28.04.2008, in which the benefit of second time scale pay was provided to 'A' and 'B' class employees, who have completed 8 years of service and 'C' class of employees, who have completed 10 years of service. He would further submit that since, the petitioner comes under the 'C' class employee, therefore, he is entitled for second time pay scale as per the circular dated 28.04.2008. Further, a clarification has been issued by the State Government on 10.08.2009, by which class 'A' and 'B' employees are entitled for benefit of first and second time pay scale after completion of 8 years and 16 years of their service and class 'C' employees are entitled for benefit of first and second time scale pay after completion of 10 years and 20 years of service. Since, the petitioner was granted the first time scale pay on 01.04.2010 with effect on 01.04.2006, he is also entitled for second time scale pay, as he has already completed more than 20 years of service from the date of his appointment.

3. On the other hand, learned counsel appearing for the State opposes and has submitted that, as per clause 15 of the Finance Instructions, dated 28.04.2008, there should be a separate decision with respect to the employees, who have been granted Kramonnati. The petitioner was granted Kramonnati vide order dated 01.04.2010 with effect from 01.04.2006. However, as per Annexure-2 of the said Finance Instructions, dated 28.04.2008, his post has not been included in the said Annexure-2 and it has been specifically mentioned in clause 15 of the Finance Instructions, dated 28.04.2008 that the employees, who have been benefited under the Kramonnati scheme, the decision



would be taken separately with respect to the benefit of their time scale pay. He would also submit that in the clarification dated 10.08.2009, there is no mention about the benefit granted to the employees, who have been granted the benefit of Kramonnati also. Therefore, the petitioner is not entitled for any benefit under the said Finance Instructions dated 28.04.2008 or 10.08.2009 and his representation has rightly been rejected by the authorities and the petition is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the documents annexed with the petition.
5. The petitioner challenged the order dated 20.06.2013 (Annexure P/5), whereby his representation for grant of time-bound pay scale was rejected on the ground that, as per the schedule-II of the instructions issued by the Finance Department, the time-bound pay scale would be payable to the post of direct recruitment. The strength of the claim of the petitioner is the circular dated 28.04.2008 and clarification dated 10.08.2009 issued by the State Government. Clause 15 of the circular dated 28.04.2008 is reproduced hereinbelow:-

“15. विभिन्न वेतनमानों के लिये उच्चतर वेतनमान की पात्रता परिशिष्ट-1 के अनुसार होगी। विभिन्न विभागों के विशिष्ट संवर्गों के लिये उच्चतर वेतनमान का प्रावधान इस परिशिष्ट के प्रपत्र-2 के अनुसार किया जायेगा। जिन विशिष्ट संवर्गों का परिशिष्ट-2 में उल्लेख नहीं है उनके संबंध में, प्रचलित क्रमोन्नति योजना में संशोधन हेतु विभागीय प्रस्ताव अनुसार अलग से निर्णय लिया जायेगा। सभी विभागों से अनुरोध है कि वे परिशिष्ट-2 में दर्शाये गये उनके विभाग से संबंधित पदों की जांच कर यह सुनिश्चित कर लें कि ये पद सीधी भर्ती के हैं एवं वेतनमान सही है। किसी भी प्रकार की त्रुटि पाये जाने पर समुचित संशोधन हेतु वित्त विभाग को तत्काल अवगत कराया जाये।”

6. The document dated 10.08.2009 (Annexure P/7) is a clarification of the circular dated 28.04.2008 (Annexure P/8) and clause 2 of the



explanation is also necessary to reproduce here, which reads as under:-

क्र.	उठाये गये बिंदु	स्पष्टीकरण
2.	क्या समयमान वेतनमान हेतु निर्धारित संवर्गों में पदोन्नत अधिकारी/कर्मचारी को भी सीधी भर्ती के अधिकारी/कर्मचारी के समान समयमान वेतनमान का लाभ प्राप्त हो सकेगा ?	वित्त विभाग के परिपत्र दिनांक 28.4.2008 के अनुसार जिन संवर्गों में सीधी भर्ती होती है, उनमें नियुक्ति पश्चात निर्धारित सेवा अवधि पूर्ण करने पर उच्चतर वेतनमान का लाभ प्राप्त होगा। इससे स्पष्ट है कि विभागीय भर्ती नियमों के अनुसार पूर्णतः अथवा आंशिक रूप में सीधी भर्ती हेतु निर्धारित संवर्ग पर यदि कोई शासकीय सेवक वरन अथवा पदोन्नति से नियुक्त होता है तो उसे उस संवर्ग में उक्त वरन अथवा पदोन्नति की तिथि से नियुक्त माना जाकर संवर्ग में निर्धारित सेवा की अवधि के पश्चात समयमान वेतनमान हेतु उच्चतर वेतनमान की पात्रता होगी।

7. From perusal of clause 15 of the circular dated 28.04.2008, it has been clearly mentioned that, decision would be taken separately with respect to the specific class of the employee, which has not been mentioned in schedule-II with respect to the Kramonnati scheme. From the clarification dated 10.08.2009, there is no decision as per clause 15 of the circular dated 28.04.2008. The department while rejecting the representation of the petitioner held that the post of Non-Medical Supervisor (NMS) is 100% promotional post, which is not included in schedule-II of the circular dated 28.04.2008, and therefore, the petitioner is not entitled for any time-bound pay scale. Further, when the circular came on 28.04.2008 and the clarification came on 10.08.2009 and the petitioner considered himself to be entitled for the time-bound pay scale, he ought to have claimed at that time itself, when the benefit of time bound pay scale was not extended to him,



but he claimed in the year 2013 i.e. after his retirement and filed the writ petition in the year 2015. In the representation of the petitioner (Annexure P/6), he disclosed that he has retired from service in the month of June, 2012, whereas he made his representation in the year 2013. There is no explanation from the petitioner, as to why he has not claimed the benefit during his tenure. The petitioner claimed the benefit of time-bound pay scale after his retirement, which suffers from delay and laches.

8. In view of the aforesaid consideration, this Court is of the considered opinion that the petitioner could not make out any good ground to interfere with the petition and to grant second time-bound pay scale to him. Accordingly, the writ petition is **dismissed**.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

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