

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (L) No. 211 of 2016

CSEB & Others Vs. Ikramul Ajim

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09/12/2016	<p>Mr. K.R. Nair, Advocate, for the Petitioners. Heard on admission. Admit. Issue notice to the Respondent, as per rules. Also heard on I.A. No.1 - application for grant of interim relief.</p> <p>Counsel for the Petitioners submits that the Respondent had already reached and drawing the maximum pay-scale in the lower grade, that is, as Assistant Grade-III, inclusive that of the advantage of Kramonnati that was given to him. That the said scale was more than the minimum of the pay-scale of the post for which he had been selected as a Junior Stenographer. In addition, Counsel for the Petitioners submits that the Respondent also has been granted the benefit of pay protection and his pay has not been reduced in spite of the fact that the minimum of the scale of the Junior Stenographer was less than what he was drawing. Further, it was also submitted that the order of appointment issued in favour of the Respondent also specifically enumerated the fact that his appointment would be subject to the protection that he is otherwise going to have under FR 22-A which he had unconditionally accepted and has joined his duties, and he cannot now turn around and claim something more.</p>	

Counsel for the Petitioners also relies upon the decision of the Supreme Court rendered in the case of **State of West Bengal v. Subhas Kumar Chatterjee & Others, 2010 (11) SCC 694**, wherein in paragraph 30 it has been held that the Courts cannot grant relief contrary to the rules.

In the peculiar facts and circumstances of the case, this Court is of the opinion that a strong case for grant of interim relief has been made out.

Accordingly, it is directed that there shall be a stay of effect and operation of the impugned order dated 26.8.2016 passed by the State Industrial Court, Raipur in Civil Appeal No. 08/CGIRAct/A/11/2015, till further orders.

List this case for final hearing in due course.

Sd/-
(P. Sam Koshy)
JUDGE