



2026:CGHC:21044

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1629 of 2025**

1 - Vidya Sagar Tiwari S/o Somnath Tiwari Aged About 52 Years R/o Village - Tokapal, Tehsil - Tokapal, District - Bastar (C.G.)

2 - Jagatnarayan Sori S/o Late Jageshwar Lal Aged About 39 Years R/o Sonarpal, P.S.-Bhanpuri, District - Bastar (C.G.)

3 - Khem Singh S/o Late Sukduram Aged About 46 Years R/o Village-Khorkhosa, P.S. - Bhanpuri, District - Bastar (C.G.)

4 - Latif Singh S/o Mahadev Aged About 41 Years R/o Village - Fafni, Post-Chapka, P.S. - Bhanpuri, District - Bastar (C.G.)

5 - Smt. Harabati W/o Manorath Chalaki Aged About 50 Years R/o Kotwar Negiguda, Post- Madhpal, District - Bastar (C.G.)

6 - Smt. Hemkumari W/o Budhram Maurya Aged About 42 Years R/o House No.-80, School Para, Kungarpal, Madlapal, Jagdalpur, District - Bastar (C.G.)

7 - Smt. Pilabai W/o Chuman Kashyap Aged About 42 Years R/o Village-Bhatpal, Post-Bastar, District- Bastar (C.G.)

8 - Smt. Nilabati W/o Late Sukhchand Baghel Aged About 41 Years R/o Dongri Guda Para, Raipur, Post- Mundagaon, District- Bastar (C.G.)

9 - Kamlesh Kumar Kashyap S/o Late Lagu Kashyap Aged About 44 Years R/o Village - Bhutanpal, P.S.- Burgum, District - Bastar (C.G.)

10 - Smt. Parbati W/o Sonuram Aged About 42 Years R/o Village - Madhota, P.S.- Bhanpuri, District- Bastar (C.G.)

--- **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Scheduled Caste And Scheduled Tribe Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, Raipur (C.G.)

2 - The Commissioner Scheduled Caste And Scheduled Tribe Welfare Department, Raipur (C.G.)

3 - The Collector Bastar, District - Bastar, At- Jagdalpur (C.G.)

--- **Respondent(s)**

**WPS No. 2335 of 2026**

1 - Smt. Asha Baghel D/o Late Chaitan Baghel Aged About 61 Years Presently Working As Cook (Rasoiya) At Govt. Girls Shiksha Parisar, Parchanpal, Block Bastar, Distt. Bastar, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Scheduled Tribes And Scheduled Caste Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - Commissioner Scheduled Tribes And Scheduled Caste Development Department, Block D, Ground Floor, Indravati Bhawan, Atal Nagar, Nawa Raipur, Distt. Raipur, Chhattisgarh.

3 - Joint Director Treasury, Accounts And Pension, Bastar Division (Jagdalpur), Distt. Bastar, Chhattisgarh.

4 - Collector (Tribal Development) Distt, Bastar, Chhattisgarh.

5 - Assistant Commissioner Sheduled Tribes And Scheduled Caste Development Department, Jagdalpur, Distt. Bastar, Chhattisgarh.

6 - Block Education Officer Bastar, Distt. Bastar, Chhattisgarh.

--- Respondent(s)

(Cause title is taken from CIS system)

For Petitioners	: Mr. Shishir Dixit, Advocate & Mr. Govind Prasad Dewangan, Advocate
For Respondents/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

05/05/2026

- Both petitions are heard and is being decided together by this common order, as they involve common questions of fact and law.
- Facts relevant for disposal of these writ petitions are that petitioners were appointed as Class-IV employees vide order dated 29.12.2000, 15.09.2003 and 13.09.2003 on the post of Peon, Waterman, Watchman and Cook (Rasoiya) respectively and since the date of their appointment they are continuously discharging their duties.



Petitioners' appointment on the aforesaid posts were by following due process of law. On 13.09.2010 State Government, Scheduled Caste and Scheduled Tribe, Development Department have issued a letter to the Commissioner, Scheduled Tribe and Schedule Caste Development Department, Raipur for issuing new set-up of education cadre and further mentioned that Class-IV post will not be filled up by direct recruitment and those posts shall be filled up from daily wages employees eligible for regularization or from the surplus employees. Petitioners herein were regularized in service vide order dated 31.05.2014 issued by the Assistant Commissioner on behalf of Collector, Tribal Development Department, accordingly, petitioners were paid regular pay scale along with other employees, however, vide order dated 17.07.2015, Collector has cancelled the order of regularization on the instructions received by the Commissioner, Scheduled Tribe and Scheduled Caste, Development Department, Raipur. Some of the affected employees including some of the petitioners herein have filed WPS No.3617 of 2015 and WPS No. 4029 of 2015, which were disposed of permitting petitioners to submit representation vide order dated 23.01.2017 directing the respondents authorities to consider the representation in light of the circular dated 04.11.2016. Representation submitted by petitioners were rejected vide order dated 25.03.2017 by the Collector. Aggrieved with which some of the petitioners herein and others employees have filed writ petition bearing WPS No. 7529 of 2017, WPS No. 8698 of 2019, WPS No.7551 of 2017, WPS No. 7527 of 2017, WPS No.7550 of 2017, which were withdrawn with liberty to file fresh as and when occasion so arises vide order dated 21.02.2022. Collector, Bastar, Jagdalpur



had issued an order dated 17.06.2022 for regularization of services of petitioners and others under contingency services giving them permanent status in the pay scale of 4750 - 7440 + GP 1300. Date of regularization is also mentioned in the order of 2014. By the impugned order dated 13.01.2023, Collector, District Bastar has though maintained the order of regularization, however by modifying it has deleted Condition No.3, 5 and 9 of the order dated 17.06.2022. Petitioners (In WPS No. 1629 of 2026) aggrieved with the aforementioned deletion of paragraph as mentioned in **Annexure P-1** have filed this petition seeking following relief (s) :-

“10.(i) It is therefore prayed that this Hon’ble Court may kindly be pleased to quash the order dated 13.01.2023 issued by the Respondent No.3, in the interest of justice.

10.(ii) It is further prayed that this Hon’ble Court may kindly be pleased to direct the Respondent No.3 to grant regular pay scale as per the order dated 17.06.2022 and grant all consequential benefits arising therefrom, in the interest of justice.

10.(iii) Any other relief which this Hon’ble Court may deem fit be granted.”

3. Petitioner (In WPS No.2335 of 2026) have filed this petition seeking following relief (s) :-

“10.1 That, this Hon’ble Court may kindly be pleased to call for the entire records in relation to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon’ble Court may kindly be pleased to set-aside the impugned order dated 13.01.2023 (Annexure P-1) issued by the Respondent No.4 i.e.



Collector (Tribal Development), District Bastar (C.G.O, in the interest of justice.

10.3 That, this Hon'ble Court may kindly further be pleased to direct the Respondent No.4 i.e. Collector (Tribal Development), District Bastar (C.G.) to grant regular pay scale as per the order dated 17.06.2022 (Annexure P/11) and grant all consequential benefits arising there from with annual interest, in the interest of justice.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief/relief's in favour of petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner."

4. Learned counsel for petitioner would submit that petitioners were engaged in service since 2000 and 2003. Looking to continuous satisfactory service of petitioners, their appointment by following due process of law and need of their service, respondent/Collector pursuant to the directives issued by the State of Chhattisgarh, Scheduled Tribe and Scheduled Caste Development Department, had passed an order dated 31.05.2014 (Annexure P-4) regularizing the service of employees as mentioned therein on pay scale as mentioned therein. Petitioners have been paid regular pay scale from the date of regularization, till the date of cancellation of order of regularization on 17.07.2015. The Collector, thereafter has issued an order of regularization again on 17.06.2022 mentioning the date of regularization as also the joining to the post after becoming regular (obtaining permanent status). In the order of regularization it is also clearly mentioned that petitioners will be entitled for arrears of wages (difference) from the date of cancellation of regularization order and



has also made observation that proceedings may be initiated accordingly for disbursement of the salary/wages. The withdrawal of monetary benefits extended to petitioners in light of the remaining portion of the order mentioning the date of regularization is per-se illegal and arbitrary. It is contended that once the benefit is extended it cannot be withdrawn.

5. Learned State counsel opposes the submission of learned counsel for respective petitioners and would submit that there is no error in the decision making process. Petitioners will be entitled for the wages from the date of their regularization. It is contention of learned counsel for State that with respect to regularization of services of petitioners and other similarly placed employee, Committee was constituted, claim of those employees were scrutinized and thereafter, the order is passed on 17.06.2022 (Annexure P-12) and petitioners are being paid the salary/wages as mentioned against the regular post. It is further submitted that as the regularization order is passed on 17.06.2022, therefore, petitioners will be entitled for the salary/wages upon regularization of post from the date when they are regularized and not prior to it i.e. order dated 17.06.2022.
6. I have heard learned counsel for parties and perused the documents placed on record.
7. It is not in dispute that petitioners were engaged as mentioned in the preceding paragraph based on the submission made by learned counsel for respective petitioners. It is also not in dispute that initially petitioners' services were regularized by the order of the Collector, District Bastar Jagdalpur vide order dated 31.05.2014. Petitioners



have thereafter joined the services and have also received the salary/wages as regular employees till the order 17.07.2015 is passed cancelling the order of regularization on regular pay observing that petitioners have been held to be permanent employee after completion of three years from the date of their engagement with pay scale of 4750- 7440 + GP 1300 is directed to be deleted. From the contents of the order dated 17.07.2015 (Annexure P-8), it is not mentioned in clear terms that employees in whose favour order of regularization is passed are not eligible for regularization but it appears that the order of cancellation of regularization order is passed only on the ground of objection raised for mentioning of appointment of regular pay scale after completion of three years of their engagement. Collector thereafter had issued an order on 17.06.2022 regularizing the services of petitioner along with others based on the report submitted by the Committee constituted in this regard and by that order petitioners were regularized in pay scale of 4750- 7440 + GP 1300 and in the order itself there is mention of names of employees, place of work, their block, date of order of regularization, previous order, date of joining after regularization and date of regularization.

8. Perusal of the list of candidates as mentioned in the order of regularization it would show that all the petitioners herein and persons named therein were regularized w.e.f. June, 2014. Date of issuance of order of regularization i.e. 06.06.2014, 02.06.2014, 31.05.2014, 03.06.2014, 10.06.2014 etc. and the same date is also mentioned as date of joining. It is not in dispute that petitioners were doing the same work as they were doing prior to the date of issuance of order of regularization/giving them permanent status and after issuance of first



order of regularization/granting permanent status, petitioners remained doing the same work continuously which they were doing earlier.

9. From the documents enclosed along with writ petition, it is also appearing that Collector, Bastar at Jagdalpur has again passed an order of deleting Condition No. 3, 5 and 9 of the order of regularization dated 17.06.2022, which deals with mentioning of arrears of salary from the date when making payment of regular salary is stopped till the date of start of salary vide order dated 13.01.2023. The Condition No. 3, 5 & 9 were deleted, which in the opinion of this Court appears to be relevant, therefore, they are extracted below for ready reference :-

“3. उक्त दर्शित कर्मचारी जिनका नियमितिकरण किया गया है। उनके द्वारा पूर्व में नियमितिकरण उपरांत कार्यभार ग्रहण तिथि के पश्चात नियमितिकरण निरस्त तिथि तक का वेतन भुगतान किया जा चुका है, का परीक्षण कर, उक्त तिथिओं को छोड़कर आगामी तिथि से वेतन भुगतान की कार्यवाही सुनिश्चित करना संबंधित आहरण संवितरण अधिकारी/कर्मचारी की जिम्मेदारी होगी।

5. कार्यालयीन पत्र (1) क्रमांक/ 1288, दिनांक 14.3.2022 तथा पत्र (2) क्रमांक/ 3015, दिनांक 05.05.2022 द्वारा आयुक्त, आदिम जाति तथा अनुसूचितजाति विकास विभाग रायपुर को रिवर्ट कर्मचारियों के नियमितिकरण किये जाने के संबंध में लिये गये मार्गदर्शन की प्रत्याशा में (मार्गदर्शन आज पर्यन्त अप्राप्त) उक्त नियमितिकरण किया जा रहा है। मार्गदर्शन प्राप्त होने पर किसी भी प्रकार की विपरीत/विवाद की स्थिति निर्मित होती है तो यह आदेश तत्काल प्रभाव से निरस्त किया जावेगा।

9. उक्त दर्शित कर्मचारी जिनका नियमितिकरण किया गया है, उनके द्वारा पूर्व में नियमितिकरण उपरांत कार्यभार ग्रहण तिथि के पश्चात नियमितिकरण निरस्त तिथि तक का वेतन भुगतान का परीक्षण कर, उक्त तिथिओं को छोड़कर आगामी तिथि से वेतन भुगतान की कार्यवाही सुनिश्चित करना संबंधित अधिकारी/कर्मचारी की जिम्मेदारी होगी।”

10. It is not in dispute that petitioners were extended benefit of arrears of salary/wages also in the said order, which were withdrawn by deleting them by subsequent order dated 13.01.2023 but the fact remains that



the Collector has not changed the order with regard to date of regularization and joining of petitioners on regularized post. Meaning thereby that petitioners continuously remained working on the post on which they were earlier engaged and were working on issuing an order of regularization dated 31.05.2014..

11. It is not the case of respondents State that petitioners have been regularized and posted on some other posts on which they were not initially working. It is also not the case of respondents that by cancellation of order of regularization dated June, 2014, petitioners in any manner were required to work other than the work which they were performing after regularization in their service.
12. Learned State counsel has not disputed that petitioners from the date of appointment are continuously doing and discharging the same work, which they were doing and discharging from the date of their initial appointment and also after initial date of regularization dated 31.05.2014. In the order of regularization dated 17.06.2022 (Annexure P-12), the authorities has mentioned the date of regularization in service and date of joining on regular post.
13. In the aforementioned facts of the case, when petitioners has already been held to be regularized in service since June, 2014 in the order of regularization mentioning the date of joining on the regular post in the opinion of this Court, petitioners will be entitled for the regular pay scale from the date of joining on the regular post pursuant to the order of regularization as mentioned in the order dated 17.06.202. Collector, Bastar at Jagdalpur has not ordered for deletion of other part of the order dated 17.06.2022 except the conditions as mentioned therein. In



service jurisprudence employee become entitled for getting benefit of salary etc. from the date of his joining to the post pursuant to the order of appointment/regularization.

14. In the case at hand, date of joining pursuant to the order of regularization and date from which petitioners were ordered to be regularized in service are same, therefore, in the opinion of this Court, respondent/Collector erred in law in not making payment of salary/wages of regular pay scale to petitioners from the date of their joining pursuant to the order of regularization. Accordingly, it is not sustainable in the eyes of law and the order dated 13.01.2023 passed by the Collector to the extent of granting regular pay scale from 17.06.2022 and deleting the conditions No.3, 5 and 9 is hereby quashed. Consequently, petitioners are held to be entitled for regular pay scale from the date of their regularization in service mentioned in the order dated 17.06.2022 and date of their joining pursuant thereto. Respondents are directed to pay difference of salary/wages to petitioners upon calculating difference between the wages/salary paid to petitioner and wages/salary for which petitioners were entitled according to regular pay scale from the date of their joining as mentioned in the order dated 17.06.2022. Difference of salary shall be paid to petitioners within period of six months from the date of receipt of copy of order by respondents.
15. Accordingly, both the petitions are allowed.

Sd/-
(Parth Prateem Sahu)
Judge