

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1670 of 2023****Judgment Reserved On : 27.01.2026****Judgment Delivered On : 28.02.2026**

1 - Awadh Ram Verma S/o Netram Verma, Aged About 61 Years, Occupation Head Master, Government Middle School Amlidhi, Police Station Rajendra Nagar, Block Dharsiwa, District Raipur Chhattisgarh. Mo. No. 9229577396

2 - Mohit Kumar Varma S/o Paras Ram Verma, Aged About 57 Years, Occupation Head Master, Govt. Middle School Mova Raipur, Police Station Mova, Tahsil And District Raipur Chhattisgarh. Mo. No. - 9826137682

3 - Devendra Aglawe, S/o- Ravindra Nath Aglawe, Aged About 49 Years, Occupation Head Master, Government Middle School Lalpur, Police Station Tikrapara Raipur, Block Dharsiwa, District Raipur Chhattisgarh, Mo. No. 9926633855

4 - Nilkanth Verma, S/o Sonsai Verma, Aged About 58 Years Occupation Head Master, Govt. Middle School Khokhpara Raipur, Police Station Purani Basti, Tahsil And District Raipur Chhattisgarh.



5 - Pravin Kumar Jha, S/o Shri Virendra Jha, Aged About 47 Years, Occupation Head Master, Govt. Primary Middle School Boriyakala, Block Dharsiva Raipur, District : Raipur, Chhattisgarh

6 - Gyaneshwar Verma, S/o Late Santram Verma, Aged About 54 Years, Occupation Head Master Govt. Primary Middle School Giroudh, Tahsil And District Raipur Chhattisgarh.

7 - Sheshnarayan Sharma, S/o Shivnarayan Sharma, Aged About 58 Years Occupation Head Master, Govt. Middle School Kota (Mahobabazar) Raipur , Police Station Amanaka, Tahsil And District Raipur Chhattisgarh.

8 - Hridya Ram Yadav, W/o Raja Ram Yadav, Aged About 60 Years, Occupation Head Master Govt. Middle School Tikrapara Raipur, Police Station Tikrapara, Tahsil And District Raipur Chhattisgarh.

9 - Dekeshwar Prasad Verma, S/o Shri B.P. Verma, Aged About 53 Years, Occupation Head Master, SCERT Raipur, Tahsil And District Raipur Chhattisgarh.

10 - Sanjeev Ballal, S/o M. Y. Ballal, Aged About 49 Years, Occupation Head Master, Government Middle School Mathpuraina, Police Station Tikrapara Raipur Block Dharsiwa, District Raipur Chhattisgarh, Mo. No. 9229988215

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, New Mantralaya Raipur, Tahsil And, District : Raipur, Chhattisgarh



2 - Director, Lok Sikshan, Indrawati Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh.

3 - District Education Officer, Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner(s) : Mr. Ratnesh Kumar Agrawal, Advocate

For Respondent(s) : Mr. Hariom Rai, Panel Lawyer for the State.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioners seek a direction to the respondent authorities to grant a time-bound scale in accordance with the Circular dated 28.4.2008 issued by the Deputy Director of Finance, State of Chhattisgarh. The petitioners, along with their Union, submitted a representation on 28.10.2022 before Respondent No.2, for consideration of their case for grant of the said pay scale as per the Circular dated 28.4.2008. However, the said representation filed by the petitioners was dismissed vide the impugned order dated 23.12.2022 (Annexure P/1) passed by respondent No.2.
2. In this petition, the petitioners have prayed for the following reliefs :

10.1 That, this Hon'ble Court may kindly be pleased to call for entire records of the case, from the authorities.

10.2 That, this Hon'ble Court may kindly be pleased to



quash the order dated 23.12.2022 passed by respondent no. 2 (Annexure-P/1) and further be please to direct to the

respondent no. 2 to provide time bound pay scale to the petitioners from the date when petitioners completed 10 years of the service as Head Master Primary School, is in the interest of justice.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.

3. The facts, as projected by the petitioners, are that they were selected for the post of Headmaster through the Limited Departmental Service Examination, 2010. They have been working in the said capacity pursuant to the order dated 23.8.2010 passed by respondent No.3. Though the petitioners have completed more than 10 years of service on the subject post, but the respondent authorities failed to grant them promotion to which they are entitled. Therefore, the petitioners are eligible for the benefit of the time-bound pay scale as per the Circular dated 28.4.2008 issued by the Deputy Secretary, Department of Finance, State of Chhattisgarh. The petitioners, along with their Union i.e. *Chattisgarh Shikshak Sangh*, submitted a representation on 28.10.2022 before respondent No.2, seeking either promotion or grant of a time-bound pay scale. However, the concerned authorities failed to consider the representation filed by the petitioners. Aggrieved by the same, the petitioners



preferred WPS No.8092/2022, which was disposed of by this HC:10574

Court vide order dated 30.11.2022, directing the concerned authority to decide the petitioners' representation at the earliest, preferably within an outer limit of six weeks from the date of receipt of the said order. Pursuant to the above direction, the petitioners submitted representation before respondent No.2, however, the same was rejected vide the impugned order dated 23.12.2022. In the said order, respondent No.2 failed to correctly appreciate the Circular dated 28.4.2008 and erroneously held that the petitioners are ineligible for the time-bound pay scale on the ground that they were not recruited through direct selection. Being aggrieved by the said rejection, the petitioners have preferred the present petition.

4. Learned counsel for the petitioners submits that the respondents authorities have curtailed the petitioners' legitimate rights by rejecting their representation vide memo/order dated 23.12.2022. He submits that the rejection order erroneously states that the petitioners' appointment cannot be treated as Direct Recruitment. He further submits that this is contrary to the Circular dated 28.4.2008, which categorically provides that recruitment through a Limited Departmental Service Examination falls within the purview of direct recruitment for the purpose of granting higher pay scales. He also submits that the petitioners have previously also approached this Court by filing WPS No.8092/2022, wherein vide order dated 30.11.2022, this Court directed the concerned



authority to consider the petitioners' case and pass appropriate orders regarding the grant of time-bound higher pay scale. However, the representation made in this regard by the petitioners has been rejected vide the impugned memo/order (Annexure P/1).

5. On the other hand, learned counsel for the State submits that the petitioners are ineligible for the time-bound higher pay scale. It is contended that the petitioners are not direct recruits, but were promoted by the Department; consequently, pursuant to the Circular dated 28.4.2008, the benefit of the time-bound pay scale cannot be extended to the petitioners.
6. I have heard learned counsel for the parties and have also perused the documents annexed with the petition with utmost circumspection.
7. A bare perusal of the record makes it evident that the petitioners rely upon the Circular dated 28.4.2008, which mandates grant of a time-bound higher pay scale to directly recruited employees. According to the Circular, this benefit is available upon completion of 8 years of service for Group 'A' and Group 'B' posts and 10 years of service for Group 'C' posts. Furthermore, the Circular categorically clarifies that 'Direct Recruitment Posts/Service' includes both open direct recruitment and selection through Limited Departmental Service Examination.
8. For the sake of brevity, para 3 of the Circular dated 28.4.2008 is reproduced below :



3. इस योजना के अंतर्गत सिविल सेवा के जिन संवर्गों में सीधी भर्ती होती है, उनमें "अ" तथा "ब" वर्ग के सिविल सेवाओं के सदस्यों को उच्चतर वेतनमान का लाभ सेवा में नियुक्ति के पश्चात 8 वर्ष की सेवा अवधि पूर्ण होने पर तथा स' वर्ग की सिविल सेवा के सदस्यों को सेवा में नियुक्ति के पश्चात 10 वर्ष की सेवा अवधि पूर्ण होने पर उपलब्ध होगा। 'सीधी भर्ती के पदों/सेवा में नियुक्ति से तात्पर्य विभागीय भर्ती नियम के अनुसार सीधी भर्ती हेतु निर्धारित संवर्ग में स्वीकृत पदों पर लोक सेवा आयोग के माध्यम से, विभागीय भर्ती नियम के अनुसार चयन/प्रतियोगी परीक्षा द्वारा, ऐसी सीमित विभागीय चयन परीक्षा द्वारा जिसमें सभी विभाग के कर्मचारी शामिल हो सकते हैं अथवा संवर्गीय पदोन्नति द्वारा नियुक्ति से है।

9. Admittedly, pursuant to the Circular dated 28.4.2008, the petitioners are entitled for time-bound pay scale. The Circular categorically states that in cases of direct recruitment, the benefit of higher pay scale shall be granted upon completion of 8 years of service for Group 'A' and 'B' posts and 10 years of service for Group 'C' posts. Furthermore, the Circular clarifies that 'direct recruitment posts' refer to those posts which were duly advertised and to which the concerned persons were appointed through a formal recruitment process. The said definition also covers Limited Departmental Service Examination and departmental recruitment for promotional posts. Accordingly, even in case of recruitment through a Limited Departmental Service Examination, the benefit of the time-bound pay scale ought to be extended to the concerned employees. The petitioners were appointed to the post of Head Master (Primary School) after being successfully



selected through the Limited Departmental Service Examination in 2010. Consequently, they are entitled to the benefit of the time-bound higher pay scale

10. For the foregoing reasons, in the considered opinion of this Court, since the petitioners were appointed to their current post(s) through a Limited Departmental Service Examination, they are hereby held to be direct recruits for the purpose of the subject Scheme. Accordingly, the petitioners are entitled to the benefits stipulated in the Circular dated 28.4.2008.
11. With the aforesaid observations/directions, the Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)

Judge

Shyna Ajay



The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
27.1.2026	28.02.2026	-----	28.02.2026