



2026:CGHC:14946-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 255 of 2026**

1 - Ashok Kumar Nishad S/o Shri Prabhu Ram Nishad Aged About 52 Years Working As Head Master And Posted At Govt. Primary School, Dhondra, Block Abhanpur, District Raipur Chhattisgarh.

2 - Mirza Ishhaf Beg W/o Late Shri Mirza Sharik Beg Aged About 50 Years Working As Head Master And Posted At Govt. Primary School, Doma, Block Abhanpur, District Raipur Chhattisgarh

3 - Rajesh Kumar Chaturvedani S/o Late Shri Shyam Lal Aged About 51 Years Working As Head Master And Posted At Govt. Boys Primary School, Tamasivni, Block Abhanpur , District Raipur Chhattisgarh

4 - Kachru Ram Sahu S/o Thakur Ram Sahu Aged About 53 Years Working As Head Master And Posted At Govt. Primary School, Khandawa, Block Abhanpur, District Raipur Chhattisgarh.

... Appellant**versus**

1 - State of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh.

2 - Director Directorate of Chhattisgarh Public Instruction, Indravati Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh

3 - Director Panchayat, Indravati Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

4 - Director Local Audit Fund, Indravati Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

5 - Joint Director Local Audit Fund, Indravati Bhawan, Regional Office, Near Ghadi Chowk, Raipur, District Raipur, Chhattisgarh

6 - District Education Officer Pension Bada Raipur, District Raipur Chhattisgarh



7 - Chief Executive Officer Zila Panchayat Raipur, District Raipur Chhattisgarh

8 - Block Education Officer Block Abhanpur, District Raipur Chhattisgarh

9 - Ramesh Kumar Vishwakarma S/o Ramnath Vishwakarma Aged About 48 Years Working As Head Master And Posted At Govt. Primary School, Bendri, Block Abhanpur, District Raipur Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellants : Mr. Govind Prasad Dewangan, Advocate

For Respondents/State : Mr. Prasun Bhaduri, Dy. Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

01.04.2026

1. Heard Mr. Govind Prasad Dewangan, learned counsel for the appellants as well as Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State/respondents on I.A. No. 01/2026, which is an application for condonation of delay of 38 days in filing the instant appeal.
2. For the reasons mentioned in I.A. No.01/2026, the same is allowed and delay in filing the appeal is hereby condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.



4. This writ appeal is presented against an order dated 28.11.2025 passed by the learned Single Judge in WPS No.3069/2023 **(Ashok Kumar Nishad & Others vs. State of Chhattisgarh others)**, whereby, the writ petition filed by writ petitioners / appellants herein has been dismissed by the learned Single Judge.
5. The brief facts of the case are that the writ petitioners were initially appointed as Shiksha Karmi Grade–III (now re-designated as Assistant Teacher, Panchayat) in the years 1998 and 1999 under the Panchayat Department, and upon completion of eight years of service, they were absorbed into the School Education Department as Assistant Teacher (LB) with effect from 01.07.2018. On 02.11.2011, the State Government issued a circular providing that teachers who had not been granted promotion and had completed ten years of service would be entitled to the Kramonnati pay scale. In accordance with this circular, the petitioners were extended the Kramonnati pay scale of Rs. 4500-125-7000/-. Subsequently, on 01.05.2012, the State Government issued another circular introducing a time-bound pay-scale scheme for the Panchayat cadre, under which the petitioners were granted the scale of Rs. 5000-150-20000/- plus a teaching allowance of Rs. 2500/-. Thereafter, by circular dated 17.05.2013, the State Government revised the pay scales to be granted on completion of eight years of service. Under the revised structure, teachers in the Panchayat cadre drawing the scale of



Rs. 4500-125-7000/- became entitled to the scale of Rs. 9300-34800/- with grade pay of Rs. 4200/-. However, despite being eligible for the revised scale of Rs.9300-34800+4200, the petitioners were instead granted the lower scale of Rs. 5200-20200+2400/-, even though they were already receiving the scale of Rs. 5000-150-20000/- under the earlier order dated 23.02.2013. Upon their absorption into the School Education Department on 01.07.2018, the Last Pay Certificate forwarded by the Panchayat Department reflected that the petitioners were entitled to the revised scale of Rs. 9300-34800/- with a basic pay of Rs. 14,850/-. However, the respondents have failed to extend this scale and continue to grant only the lower scale of Rs. 5200-20200+2400/-. The petitioners were promoted to the post of Head Master (Primary School) in October 2022, after which they were finally granted the scale of Rs. 9300-34800+4200/-. They now claim that this pay scale should have been granted to them from the date of their absorption, i.e., 01.07.2018, in accordance with the LPC, along with consequential arrears. Earlier, the petitioners had also approached this Court in WPS No. 1887/2014, wherein a direction was issued for consideration of their representation; however, the representation was rejected on erroneous grounds. Despite submitting further representations, no action has been taken by the authorities, compelling the petitioners to file the another petition being WPS No. 3069 of 2023. The said writ petition was dismissed by the learned Single Judge vide



impugned order dated 28.11.2025. Being aggrieved by the same, the instant appeal has been preferred by the appellants.

6. Learned counsel for the appellants submitted that the learned Single Judge has failed to appreciate the facts and legal position of the case in their correct perspective, thereby rendering the impugned order unsustainable in law. He further submitted that the learned Single Judge did not properly consider that the appellants, having initially been appointed as Shiksha Karmi Grade–III and subsequently absorbed as Assistant Teacher (LB) w.e.f. 01.07.2018, were already granted higher time-bound pay scales under the applicable circulars issued by the State Government from time to time. In particular, the entitlement of the appellants to the revised pay scale of Rs. 9300–34800 with Grade Pay of Rs. 4200/- pursuant to the circular dated 17.05.2013 has been overlooked, despite the fact that they were already drawing a higher pre-revised scale and their Last Pay Certificate clearly reflected such entitlement with a basic pay of Rs. 14,850/-. He also submitted that the learned Single Judge further erred in not appreciating that the respondents arbitrarily downgraded the appellants' pay to a lower scale of Rs. 5200–20200 with Grade Pay of Rs. 2400/-, which is contrary to the settled principles governing pay protection and revision. It is also submitted that the subsequent grant of the higher pay scale upon promotion in October 2022 itself substantiates the appellants' rightful entitlement, which ought to have been recognized from the date of



absorption. The rejection of the appellants' representation has been accepted without proper scrutiny, and the impugned order fails to address the inconsistency between the LPC and the pay actually granted. Thus, the impugned order suffers from non-application of mind, misappreciation of material facts, and erroneous interpretation of the governing circulars, and therefore deserves to be set aside.

7. Per contra, learned State counsel submitted that the impugned order passed by the learned Single Judge is well-reasoned, lawful, and does not call for any interference. The learned Single Judge has rightly appreciated the factual and legal aspects of the case in their proper perspective and has correctly held that the appellants are not entitled to the claimed pay scale from the date of their absorption i.e. 01.07.2018. It is submitted that the grant of pay scales to the appellants has been strictly in accordance with the applicable circulars and service rules governing the Panchayat and School Education Departments. The appellants were extended the benefits as per their eligibility under the time-bound pay-scale scheme, and there has been no arbitrary or illegal reduction in their pay. The reliance placed on the Last Pay Certificate is misconceived, as the same cannot override the statutory provisions and applicable government instructions governing fixation of pay upon absorption. It is further submitted that the appellants' claim for grant of the higher pay scale of Rs. 9300–34800 with Grade Pay of Rs. 4200/- from 01.07.2018 is



untenable, as such scale became admissible to them only upon their promotion to the post of Head Master in October 2022, and not prior thereto. The appellants have failed to establish any vested right to claim the said scale from an earlier date. The rejection of their representation was done after due consideration and in accordance with law, and no arbitrariness or illegality can be attributed to the action of the respondents. The learned Single Judge has rightly declined to interfere in the matter, as no enforceable legal right of the appellants has been infringed.

8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds no infirmity or illegality in the impugned order passed by the learned Single Judge. The learned Single Judge has duly considered the factual matrix as well as the applicable circulars governing the field and has rightly concluded that the appellants are not entitled to the claimed pay scale of Rs. 9300–34800 with Grade Pay of Rs. 4200/- from the date of their absorption i.e. 01.07.2018. The reliance placed by the appellants on the Last Pay Certificate is misplaced, as the same cannot confer any enforceable right contrary to the governing rules and policy decisions of the State. The material on record indicates that the appellants were granted the appropriate pay scale in accordance with their eligibility, and



the higher scale was rightly extended only upon their promotion to the post of Head Master in October 2022.

10. This Court is of the considered opinion that the appellants have failed to demonstrate any arbitrariness, illegality, or perversity in the decision-making process or in the findings recorded by the learned Single Judge warranting interference in the present appeal. The grounds raised are essentially a reiteration of submissions already considered and rejected, and do not make out a case for appellate interference.
11. Accordingly, the appeal, being devoid of merit, is **dismissed**. No order as to costs.

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

Sd/-
(**Ramesh Sinha**)
Chief Justice