



2026:CGHC:10063

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3068 of 2021

1 - Hitendra Kumar Sahu S/o Shri Jiwarakhan Lal Sahu Aged About 48 Years Working As Training Officer, And Posted At Govt. I.T.I. Bhilai, District Durg Chhattisgarh.(As Per Honble Court Order Dated 15-09-2025)

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through The Secretary Department Of Technical Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
- 2 - Director Employment And Training Indrawati Bhawan Raipur Chhattisgarh.
- 3 - Principal Govt. Industrial Training School Bhilai, District Durg Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Shashi Kumar Kushwaha and Mr. G. P. Mathur, Advocates
For Respondent(s)	:	Mr. Keshav Gupta, G. A.

(Hon’ble Shri Justice Sachin Singh Rajput)

Order on Board

26/02/2026

- 1. Following relief has been claimed in this writ petition:-
 - (i) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to quash Annexure P/1 and direct the respondent to grant benefit of advance increment on account of above family planning scheme as it has been granted to similarly situated employee vide P/8, in the interest of justice.
 - (ii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.

2. Learned counsel for the petitioner submits that the State Government has issued a circular dated 18.09.2002 under which the Government employees were entitled to two advance increments if they had one living child and either the employees or their spouse underwent a tubectomy operation. Furthermore, one advance increment is granted if the employee has two living children and the spouse has undergone a tubectomy operation. The petitioner's wife underwent a tubectomy operation; thus, the petitioner was entitled to the said advance increment. Initially a writ petition was filed bearing WPS No.4754/ 2020 which was disposed of vide order dated 09.12.2020 with a direction to submit a representation. The representation subsequently made by the petitioner was rejected by the impugned order dated 30.08.2025, he submits that the impugned order is bad in law and liable to be set aside.
3. Opposing the submissions made by the learned counsel for the petitioner, learned counsel for respondent submits that although the petitioner made a representation in the year 2020, the executive instruction/ circular dated 18.09.2002 was withdrawn by a subsequent executive instruction/ circular dated 07.10.2015, thus the petitioner is not entitled for any advance increment.
4. Heard the learned counsel for the parties and perused the record.
5. A perusal of circular dated 18.09.2002 reveals that it envisages the grant of two advance increments. In light of the current exigency, the relevant portion is quoted hereinbelow:-

राज्य शासन द्वारा परिवार कल्याण कार्यक्रम के अंतर्गत शासकीय सेवकों द्वारा स्वयं या पति/पत्नी की नसबंदी कराने के प्रोत्साहन स्वरूप दी जाने वाली वेतनवृद्धियों की पूर्व व्यवस्था में निम्नानुसार परिवर्तन करने का निर्णय लिया गया है :-

 - (1) एक जीवित बच्चे के बाद स्वयं या पति/पत्नी की नसबंदी कराने पर दो अग्रिम वेतनवृद्धियों स्वीकृत की जावेगी,
 - (2) दो जीवित बच्चों के बाद स्वयं या पति/पत्नी की नसबंदी कराने पर एक अग्रिम वेतनवृद्धि स्वीकृत की जावेगी।

ये निर्देश जारी होने के दिनांक से लागू होंगे।

6. It is not in dispute that the petitioner has two children and that his wife has undergone a tubectomy operation. The submission is made that although the previous circular was withdrawn by a subsequent circular, the rights that had already accrued in favour of the petitioner cannot be denied simply because the previous circular was later withdrawn. Even if the circular was withdrawn, the petitioner is entitled to one advance increment in light of the circular dated 18.09.2002 effective from the date of the operation until the said circular was withdrawn on 07.10.2015.
7. Accordingly, this writ petition is allowed. The respondent is directed to pay one advance increment to the petitioner for the period from 18.09.2002 to 07.10.2015 and to pay the arrears within a period of 90 days from the date of receipt of a copy of this order.
8. The writ petition is allowed in the terms indicated above.

**PARUL
MITTAL**
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by PARUL
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Date: 2026.02.28
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Sd/-
(Sachin Singh Rajput)
JUDGE

Parul