



2026:CGHC:24627

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4548 of 2026

Shravan Kumar Mishra S/o Shri Govardhan Prasad Mishra Aged About 62 Years Retired Inspector (A), Police Training School, Rajnandgaon, R/o Rudraksh, Kunj Vihar Colony, Kamla College Road, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.

... **Petitioner**

versus

1 - State of Chhattisgarh Through The Secretary, Home Affairs Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.

2 - The Secretary Finance Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.

3 - Director General of Police Police Headquarters, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.

4 - Superintendent of Police Office of Superintendent of Police, Police Training School, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.

5 - Joint Director Treasury, Accounts and Pension Divisional Office, Durg, Chhattisgarh.

... **Respondents**

For Petitioner : Mr. Ajay Kumrani, Advocate

For State /Respondents : Ms. Anuja Sharma, Dy. GA

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

18/06/2026



1. The petitioner has filed this petition seeking the following relief(s):-

10.1 Issue an appropriate writ, order or direction directing the respondents to grant the petitioner the benefit of 1st Time Scale Pay equivalent to Grade Pay Rs.4200/-, 2nd Time Scale Pay equivalent to Grade Pay Rs.4400/- and 3rd Time Scale Pay equivalent to Grade Pay Rs.5400/- from the respective dates on which he became entitled thereto in accordance with the applicable Finance Department Circulars, Government policies and departmental instructions.

10.2 Further direct the respondents to re-fix the pay of the petitioner by taking into consideration the aforesaid Time Scale Pay benefits and to revise his service records accordingly.

10.3 Further direct the respondents to re-determine and revise the petitioner's pension, gratuity, leave encashment, commutation value of pension and all other retiral and consequential benefits on the basis of such revised pay fixation.

10.4 Further direct the respondents to pay all consequential arrears arising out of grant of the aforesaid Time Scale Pay benefits and revision of pensionary and retiral dues together with interest at such rate as this Hon'ble Court may deem fit and proper.

10.5 Any other relief or reliefs, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also kindly be granted in favour of the petitioners.

2. Learned counsel appearing for the petitioners would submit that the petitioner has been retired from the post of Sub-Inspector (M). He would further submit that as per accordance circular dated 28.09.2013, the petitioners are entitled to receive a higher pay scale according to the recommendations made by the Brahma Swaroop Committee. He would submit that the State had preferred a Special Leave Petition before the Hon'ble Supreme Court arising out of W.A. No. 426/2012, wherein the order passed therein was affirmed. He would argue that the learned Single Judge has extended similar benefits to other employees, and this



fact is evident from Annexure P-3. He would also contend that the petitioner may be permitted to make a representation(s) before Respondent Nos. 2 & 3 and said authorities may be directed to decide the same in an objective manner within a stipulated time.

3. On the other hand, learned counsel appearing for the respondents would oppose the submissions made by counsel for the petitioner and submit that the petitioner is not entitled to claim higher pay scale as he has approached this Court at a belated stage; thus, the petition deserves to be dismissed.
4. I have heard learned counsel for the parties and perused the documents.
5. It is a well-settled principle of law that when a Government servant claims arrears of salary, revision of salary, or pensionary benefits, such claims give rise to a recurring cause of action, and therefore cannot be dismissed solely on the ground of delay.
6. The Hon'ble Supreme Court in the matter of ***M.R. Gupta v. Union of India, (1995) 5 SCC 628 : 1995 SCC (L&S) 1273***], has held that so long as the employee is in service, a fresh cause of action would arise every month when they are paid their salary on the basis of a wrong computation made contrary to the rules. If the employee's claim is found to be correct on merits, they would be entitled to be paid according to the properly fixed pay scale in future and the question of limitation would arise for recovery of the arrears for the past period. The Court held that the arrears should be calculated and paid as long as they have not become time-barred. The entire claim for the past period should not be



rejected.

7. Taking into consideration the above discussed facts & law, this petition is disposed of granting liberty to the petitioner to make representations before Respondent Nos. 2 & 3 and in turn, the authorities concerned are directed to consider and decide the representations so made by the petitioner in an objective manner, preferably within a period of 120 days from the date of receipt of such representation.
8. With the aforesaid observation(s) and direction(s), this petition is hereby disposed of. No order as to costs.

SD/-
(Bibhu Datta Guru)
JUDGE

ashu