



2026:CGHC:10114



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 11266 of 2025

Kamalesh Kumar Verma S/o. Late Kuleshwar Prasad Verma Aged About 61 Years Posted As Assistant Grade - 2, Office Of Joint Director Agriculture, Durg, Division Durg, District Durg, Chhattisgarh

... **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Agriculture Development And Farmer Welfare And Bio-Technology Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

2 - Director, Agriculture Development And Farmer Welfare And Bio-Technology Department, Mantralaya, Indrawati Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

3 - Joint Director, Agriculture Department, Durg, District Durg, Chhattisgarh

4 - Deputy Director, Agriculture Department, Durg, District Durg, Chhattisgarh

... **Respondents**

For Petitioner	:	Mr. Arpan Verma, Advocate
For Respondents - State	:	Mr. Rishabh Bisen, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

26/02/2026



1. With the consent of the parties, the case is heard finally.
2. Petitioner has filed this writ petition seeking following reliefs:-

“10.1 That, this Hon’ble Court may kindly be pleased to set aside the official letter no. 2025-26/824 dated 21.08.2025 (Annexure P-7) passed by the Divisional Joint Director Agriculture, Durg, Division Durg (C. G.) in the interest of justice.

10.2 That, this Hon’ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and direction may kindly be issued to the respondent authorities to sanction and release the first annual increment to the petitioner from one year after joining in services i.e. from 01.04.1986 and the entire salary of petitioner may kindly be revised accordingly as per with other similarly situated employees, in the interest of justice.

10.3 Any other relief or reliefs may also be granted to the petitioner which this Hon’ble court deems fit and proper in the facts and circumstances of the case.”

3. Learned counsel for petitioner submits that petitioner was given compassionate appointment vide order dated 01.04.1986. In the order of appointment there was a mention of clause that petitioner has to pass typing test within 18 months from the date of appointment. Petitioner has passed the typing test on 12.04.1987 and thereafter was also promoted on the post of Assistant Grade- II. He submits that petitioner became entitled for increment after one year from the date of appointment however, the said benefit was not extended to petitioner. He further submits that similarly situated petitioner has approached this court by filing of a writ petition bearing WPS No. 3099 of 2015 which was allowed in favor of petitioner vide order dated 23.08.2024. It is also submitted by counsel for petitioner that petitioner based on the order passed in **Pawan Kumar Janghel Vs. State of Chhattisgarh** petitions filed by similarly situated petitioners was also allowed vide order dated



20.02.2025 in case of **Vikas Kumar Choubey Vs. State of Chhattisgarh** and others in WPS No. 6463 of 2016 and connected writ petitions, therefore, this writ petition may also be allowed in similar terms.

4. Learned counsel for State submits that according to his instructions and also the facts of the case this petition is also identical to the facts of the case and case of **Pawan Kumar Janghel Vs. State of Chhattisgarh and others**, he however submits that in the appointment order there was a mandatory clause for passing of typing test within the period of 18 months and petitioner was paid the fixed salary. He further submits that except the above fact otherwise in accordance with the instructions received the case of petitioner is also similar to that of **Pawan Kumar Janghel Vs. State of Chhattisgarh and others**.
5. I have heard learned counsel for the parties and also perused the documents enclosed along with this writ petition.
6. In case of **Pawan Kumar Janghel Vs. State of Chhattisgarh and others** Co-ordinate Bench of this Court have made following observation:

"06. It is not disputed that the petitioner was appointed on compassionate ground on the post of Assistant Grade-III vide order dated 28.5.1997 and he joined service on 2.6.1997. In the appointment order (Annexure P/1), Condition No.7 reads as under:

"(7) प्रार्थी को 18 महीने की अवधि के भीतर म.प्र. शीघ्रलेखन एवं मुद्रलेखन परीक्षा परिषद से हिन्दी मुद्रलेखन परीक्षा उत्तीर्ण करना अनिवार्य होगा।

जब तक हिन्दी मुद्रलेखन परीक्षा उत्तीर्ण नहीं होगा तब तक वेतनवृद्धि की पात्रता नहीं होगी, हिन्दी मुद्रलेखन परीक्षा उत्तीर्ण करने की तिथि से एक वर्ष पश्चात् वेतनवृद्धि की पात्रता होगी।"

It is also not in dispute that the petitioner passed Hindi typing test on 31.3.2000 and was granted increment from 31.10.2000.



07. The petitioner has filed Annexure P/5 i.e. order dated 30.3.2007 issued by the Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur which goes to show that several employees were granted annual increment after one year of joining their services irrespective of their passing the Hindi typing test which they cleared subsequently. So, it is clear from this order that similarly situated employees who passed Hindi typing test much after joining their services have already been given the benefit of annual increment upon completion of one year of service from the date of joining.

08. The Division Bench of the High Court Madhya Pradesh in the matter of **Ku. Ramani Bai Bhagat (supra)** observed in para 13 of its order as under:

"13. The issue regarding grant of regular increment has been Considered by the learned Single Judge of this Court in the case of State of M.P. and another Vs. Rameshchandra Sharma and another, 1987 JLJ 755. In the said judgment, this Court has held as thus"

"If anything more has to be said to hold that the defence was wholly meritless and the poor and petty employee had to make a wild cry in the wild wilderness, I have to merely refer to F.R. 24 on which the claim of the plaintiff was founded; and I quote:

F.R. 24. Withholding of increments. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

The only power which is vested in the Government to withhold increment of a Government servant is to be found in the aforesaid statutory rule and it is trite law that the power must be exercised subject to the condition by which it is circumscribed. When conduct of a Government servant has not been good or his work has not been satisfactory then an order withholding his increment may be passed. In this case, admittedly, the situation is entirely different. Indeed, defence taken is wholly irrelevant to the statutory provision aforesaid. It has never been the case of the State either here or in any of the Courts below that the work of the plaintiff had not been "good" or "satisfactory"; merely, on the basis of a circular which could not, and indeed, did not bind the plaintiff, he is sought to be saddled with a disqualification as is not contemplated under the aforesaid statutory provision. As I



have held above, it was not the condition of service of employment of the plaintiff/respondent manifested, whether in the order

dated 30-7-1971 or the subsequent order dated 9-3-1972, that he will not draw the time scale salary, but he will draw a fixed salary of 90/- till he had passed "typing examination". In *Indrasen Jain (supra)*. I had taken the view with reference, albeit, to the sister provision F.R. 25 that there can be no unreasonable restrictions imposed, whether by executive order or statutory provision in the enjoyment of the right to time scale salary of the Government servant because such an action is interdicted to Article 16. If some more has to be said, mere mention of *Olga Tellis (1)* is sufficient."

09. In the present case also, it is evident from Annexure P/5 that the respondent authorities have sanctioned annual increment to some of their similarly situated employees though they had not passed Hindi typing test at that time but the same has been denied to the petitioner on the ground that he has not passed Hindi typing test and he was granted annual increment since 31.10.2001 only after his passing Hindi typing test on 31.3.2000, which was intimated to the department by the petitioner on 31.10.2000.

As regards contention of learned counsel for the respondents that as per Annexure R/1 the petitioner is not entitled for increment from back date, it is clear from Annexure R/1 that there is no condition in this rules that when any employee passed Hindi typing test, then only he is entitled for increment.

10. Having regard to the overall facts and circumstances of the case, the documents available on record and the judgment in the matters of *Ku. Ramani Bai Bhagat (supra)*, the petition is allowed. The petitioner is held entitled for annual increment after one year of his joining the service i.e. since 4.1.1999. Respondents are directed to calculate the arrears of increments and make payment of the same to the petitioner within a period of four weeks from today."

7. Batch of writ petitions along WPS 6463 of 2016 also came to be allowed taking note of decision in case of **Pawan Kumar Janghel Vs. State of Chhattisgarh and others** and decision in case of **State of M.P. and others Vs. Ku. Ramani Bai Bhagat** reported in 2013 MPLSR 31 (DB).



8. In the above facts of the case, in the opinion of this Court, the case of petitioner is also similar to petitioners in aforementioned cases and therefore, this writ petition is **allowed** and communication dated 21.08.2025 (Annexure P-7) is hereby quashed. Respondents are directed to grant annual increment after one year from the date of joining of service and respondents are further directed to calculate the arrears of increment and make payment of the same to petitioner within a period of three months from the date of receipt of the order.
9. With the aforesaid direction, this writ petition is **allowed**.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)

Judge

Alfiza