



2026:CGHC:19783

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3218 of 2021

- A. K. Mishra S/o Late Shri P.H. Mishra Aged About 62 Years Working As Lab Attendant, Kirodimal Government Polytechnic, Raigarh District Raigarh Chhattisgarh.

... Petitioner

versus

1. State Of Chhattisgarh Through The Secretary, Technical Education Man Power Employment, Science And Technology Department, Mahanadi Bhawan Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh.
2. The Secretary Government Of Chhattisgarh, Department Of Finance And Scheme Department Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh.
3. The Director Directorate Of Technical Education 3/4 Floor, Indravati Bhawan, Atal Nagar Raipur Chhattisgarh
4. The Principal Kirodimal Government Polytechnic, Raigarh District Raigarh Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. K.P. Sahu, Advocate
For State	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29.04.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 12.04.2021 (Annexure P/1).



10.2 That this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby directing the respondent no. 3 include the post of Lab Attendant in the list of order dated 10.08.2009 (Annexure P/3), in accordance with law.

10.3 That, the Hon'ble Court may kindly be pleased to direct the respondent no. 4 to extend the benefits of time bound pay scale (Samayman Vetanman) upon completion of qualified services in favour of petitioner and also grant arrears of pay, with interest @ 12% from the date of entitlement to its actual payment.

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

2. Learned counsel for the petitioner would submit that the petitioner was appointed on the post of Lab Assistant vide order dated 03.12.1979 against vacant post. He would submit that his services were regularized and vide order dated 15.09.2000, he was extended benefit of first time pay scale with effect from 19.04.1999. It is contended by Mr. Sahu that benefit of second and third time pay scale has not been extended. He would contend that the petitioner retired from services on 30.04.2021, and thus, he completed 42 years of service under the respondents. He would contend that claim of the petitioner has been rejected on the ground that the post of Lab Assistant is not a sanctioned post in Technical Education department. He would submit that such objection was not raised when petitioner was appointed, and subsequently, the claim of the petitioner for 2nd and 3rd time pay scale has been rejected on said ground. He would submit that a direction may be issued to the respondent authorities to include the post of Lab Assistant in the list of setup of the department and direct the respondents to extend benefit of 2nd and 3rd time pay scale.



3. On the other hand, learned counsel appearing for the State would oppose. Mr. Pandey would submit that in setup the post of Lab Assistant is not mentioned, therefore, the petitioner is not entitled for 2nd and 3rd time pay scale. He would further submit that benefit of 2nd time pay scale has already been granted to the petitioner, which is evident from impugned order dated 12.04.2021. He would submit that the respondent authorities have rightly rejected the representation.
4. Heard.
5. Taking into consideration the fact that the petitioner was appointed on 03.12.1979 against the post of Lab Assistant and he retired on account of superannuation from said post on 30.04.2021. During service tenure, no objection was raised by the respondent authorities to the effect that post of Lab Assistant is not a sanctioned post in the setup. Earlier, petitioner was extended benefit of 1st time pay scale and that time too, no objection was raised. If the post of Lab Assistant is not included in a sanctioned setup of the Technical Education, the petitioner cannot be blamed as he was appointed in accordance with the recruitment rules against the vacant post; therefore, the order passed by the respondent No. 4 is hereby **quashed**. The petitioner is permitted to make a representation before respondent No. 3 within a period of 30 days, and in turn, the said authority is directed to consider it in light of the observations made herein-above for grant of 2nd and 3rd time pay scale to the petitioner.
6. The entire exercise shall be completed by the said authority within further period of 90 days.
7. With the aforesaid observation(s), and direction(s), the instant petition is



hereby **disposed of.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant