



CGHC010295512026



2026:CGHC:35449

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5791 of 2026**

1 - Gopinath Pillai S/o Narayana Pillai Aged About 72 Years R/o D-203, First Floor, Housing Board Colony, Raipur Naka, Durg, Durg Distt. Chhattisgarh State 491001, Pin 491001

2 - Pradeep Kumar Rajput S/o Mishri Rajput Aged About 76 Years R/o Thakurpara, Pawarjali, Kawardha, Damapur, Distt. Kabirdham, Chhattisgarh State 491001 Pin 491559

3 - Arif Khan S/o Late Israil Khan Aged About 64 Years R/o 826/186, Ward No. 16, Durg Public School, Distt. Durg, Chhattisgarh State Pin 491001

4 - Mohanlal Singh S/o Jagpat Singh Aged About 70 Years R/o Ganga Nagar, Sector-2, Near Shiv Mandir, Mangla, Bilaspur, Bilaspur Distt, Chhattisgarh State

5 - Chammalal Nishad S/o Hiranman Nishad Aged About 70 Years R/o 308, Ward No. 15, Ghasidas Nagar, Fouji Nagar, I.E. Bhilai, Distt. Durg, Chhattisgarh State Pin 490026

6 - Sharad Kumar Mahobia S/o Tularam Mahobia Aged About 67 Years R/o 193, Ward No. 11, Shankar Nagar, Distt Durg, Chhattisgarh State, Pin 491001

7 - Chandrashekhar Mishra S/o Rameshwar Dayal Mishra Aged About 68 Years R/o Ward No. 8, Anand Vihar Colony, Kawardha, Distt. Kabirdham, Chhattisgarh State, Pin 491995

8 - Ramesh Kumar Soni S/o Dauwa Prasad Soni Aged About 69 Years R/o Ward No. 9, Rajmahal Colony, Kawardha, Kabirdham, Distt. Chhattisgarh State 491001 Pin 495001

9 - Uttara Kumar Patel S/o Chandan Singh Patel Aged About 64 Years House No. 339/03, Behind Wallfort City, Dream Residency, Bhatagaon, Dev Vihar, Raipur Distt, Chhattisgarh State Pin 492013

10 - Sheikh Saleem S/o Sheikh Habib Aged About 67 Years R/o Shalimar Press Ke Paas, Chhoti Line Ke Neeche, Raja Talab, Distt. Raipur, Chhattisgarh State 492004

11 - Lakhan Lal Verma S/o Tijau Ram Verma Aged About 58 Years R/o H. No. 425, Ravmandir, Birgaon, Distt. Raipur, Chhattisgarh State, Pin 493221

12 - Smt. Ganga Verma W/o Shatrughan Lal Verma Aged About 61

Years R/o H. No. 75, Ward No. 4, Village Ghatiyakala, Godgiri, Distt. Bemetara, Chhattisgarh State Pin 490036

13 - Smt. Annu Patwa W/o Munnalal Patwa Aged About 65 Years R/o L I G 68, V T C Mungi, Chand Khuri, Arang, Distt. Raipur, Chhattisgarh State, Pin 492101

14 - Chaturram Patel S/o Ganeshram Patel Aged About 65 Years R/o S7f-25 Sector 2 Street 7a, Professor Colony, Distt. Raipur, Chhattisgarh State, Pin 492001

15 - Hafeez Khan S/o Abdul Hamid Khan Aged About 65 Years R/o Near J J Battery, Modahapara, Ganjpara, Distt. Raipur, Chhattisgarh State

16 - Moti Chandan Sahu S/o Hira Ram Sahu Aged About 66 Years R/o Ward No. 50, Behind Aata Chakki, Chhattisgarh Nagar, Tikrapara, Distt. Raipur, Chhattisgarh State Pin 492001

17 - Smt. Julekha Begum W/o Mohammed Sabir Aged About 56 Years R/o 260, Sanjay Nagar, Nizami Chowk, Tikrapara, Bindrawangarh, Distt. Raipur, Chhattisgarh State, Pin 492001

18 - Tulsiram Sahu S/o Girdhari Lal Sahu Aged About 60 Years R/o H. No. 7/381, Fazal Complex, Baijanathpara, Chhattisgarh Urdu Academy, Distt. Raipur, Chhattisgarh State Pin 492001

19 - Shyamacharan Sahu S/o Punit Ram Sahu Aged About 66 Years

R/o Ward 50, Near Bhamasah School, Chhattisgarh Nagar, Distt. Raipur, Chhattisgarh State, Pin 492001

20 - Kapil Sharma S/o Bharat Lal Sharma Aged About 65 Years R/o Ward No. 18, Village Tarri, Patewa, Abhanpur, Distt. Raipur, Chhattisgarh State, Pin 493885

21 - Raghunandan Sharma S/o B P Sharma Aged About 71 Years R/o Ward No. 3, Village Tarri, Gaura Chowk, Patewa, Abhanpur, Distt. Raipur, Chhattisgarh State, Pin 493885

22 - Bhagwat Ram Sahu S/o Atmaram Sahu Aged About 64 Years R/o Deori Khurd Village, Deori P.O., Bilaspur, Bilaspur Distt. Chhattisgarh State 491001

23 - Ram Dayal Dhruv S/o Bhanjan Dhruv Aged About 70 Years R/o Ward No. 12, Talaa Ke Paas, Daihan Chowk, Sirgitti, Bilaspur Chhattisgarh State 495001

24 - Smt. Anita Pandey W/o Late Rajendra Prasad Pandey Aged About 60 Years R/o H. No. 59, Durga Mandir Ke Paas, Amapara, Ward No. 12, Dhamtari Distt. Chhattisgarh State 493773

25 - Chandrika Bai Sinha W/o Digambar Lal Sinha Aged About 63 Years R/o 428, Pahadipara, Demar, Distt. Dhamtari, Chhattisgarh State 493773

26 - Jayshree Vaidya W/o Rajan Vaidya Aged About 66 Years Junwani

Marg, Kohka, Bhilai, Supela, Bhilai, Distt Durg Chhattisgarh State
490023

27 - Susheela Jadhav W/o Rajendra Jadhav Aged About 66 Years
Kududand, Chandni Chowk, Bilaspur, Bilaspur Distt. Chhattisgarh
State 495001

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary To Govt. Of
Chhattisgarh, Transport Deptt., Secretariat, Mahanadi Bhawan,
Sector 29, Naya Raipur, Atal Nagar, Raipur Distt Chhattisgarh State

2 - The Secretary To Govt Of Chhattisgarh Finance Department,
Secretariat, Mahanadi Bhawan, Sector 29, Naya Raipur, Atal Nagar,
Raipur Distt Chhattisgarh State

3 - The Chhattisgarh Infrastructure Development Corporation (C I D
C) Through Its Managing Director, Shashtri Chowk, Raipur,
Chhattisgarh State 491001 Pin 492001

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Shri K.R. Nair, Advocate
For Respondent/State	: Shri Hariom Rai, Panel Lawyer
For Respondent No. 3	: Shri Ashish Shrivastava, Senior Advocate assisted by Ashutosh Shrivastava, Advocate

Hon'ble Shri Justice Bibhu Datta Guru

Order on Board

12/08/2026

1. Learned counsel for the petitioners submitted that the petitioners who were working under the Chhattisgarh Infrastructure Development Corporation (CIDC) on various posts have challenged the decision taken by the State of Chhattisgarh dated 02.03.2012 whereby the employees have been denied the benefit of revision of pay-scale from 01.01.2006 to 31.10.2011. He further submitted that the decision taken by the State is contrary to the law laid down by the Hon'ble Supreme Court in the matters of ***Bihar State Beverages Corporation Limited and Others vs. Naresh Kumar Mishra and Others (2019) 5 SCC 110*** and ***Union of India and Others, vs. Satya Brata Chowdhury and Others, (2008) 16 SCC 383***. He also submitted that the benefit of revision of the pay scale on the basis of the 6th pay commission report has not been implemented by the department. Thus, the petitioners sought a direction to the respondents to extend the benefit of the 6th pay commission from 01.01.2006 to 31.10.2011.

2. On the other hand, the learned counsels for the respondents would oppose the submissions made by counsel for the petitioners. They submitted that as per the letter dated 13.10.2011 decision has already been taken to extend the benefit of the 6th pay commission to all the employees of the State Government as well as Corporate bodies etc. from 01.11.2011. They further submitted that the matter pertaining to the petitioners has already been forwarded to the State Government for necessary action and appropriate decision would be taken by the State.
3. I have heard learned counsel appearing for the parties and perused the documents placed on the record.
4. In the matter of ***Bihar State Beverages Corporation Limited*** (**supra**), the Hon'ble Supreme Court held in paras 22 to 27 as under:-

"22. At the outset, it is required to be noted that by impugned judgment and order the Division Bench of the High Court has directed the Appellant Corporation to grant the benefit of pay scale to the Respondents herein – original Writ Petitioners as per the 6th PRC, as per the decision of the Corporation itself in 2010. By the impugned judgment and order, the High Court has also quashed and set aside the resolution of the Corporation dated 27.3.2012, by which it was resolved to pay the salary to the

employees of the Corporation as is being paid to the employees working in the parent organizations.

23. *Now, so far as the quashing and setting aside the resolution dated 27.3.2012 by which the Corporation resolved to pay salary to the employees of the Corporation as is being paid in the parent Board/parent organization is concerned, it is required to be noted that it is not in dispute that the respective original Writ Petitioners are on deputation from different Boards/ Organizations. Therefore, if the resolution dated 27.3.2012 is permitted to be implemented, in that case, there shall be disparity in the pay scale/salary of the employees of the Corporation doing the same/similar work. There may be different pay scales/salaries in the respective parent organizations. However, when they are working with the Corporation and doing the similar work, they have to be paid the salary which is paid to other employees doing the same/similar work. It is not in dispute that the employees working on different posts in the Corporation are doing the same/similar work. Therefore, the Division Bench of the High Court has rightly applied the 'Principle of Equal Pay for Equal Work' and has rightly quashed and set aside the resolution dated 27.3.2012.*

24. *Challenge to the resolution dated 27.3.2012 is also required to be considered from another angle. At the time of advertisement and inviting the applications, the employees were offered the specific pay scales against respective posts. It appears that the pay scale which was offered and thereafter paid by it till the resolution dated 27.3.2012 was at par with the pay scale paid to the Government employees as per the 5th PRC. Therefore, thereafter, to pay any salary/pay scale lesser than what was offered at the time of inviting the applications would be changing the conditions of service, which is not permissible.*

25. *Now, so far as the reliance placed upon Rule 282 and 283 of the Bihar Service Code by the Appellant Corporation is concerned, even on considering Rule*

282 and 283 of the Bihar Service Code, it cannot be said that the person sent on deputation cannot be paid any more salary/emoluments than what was paid to the Government servant while working with the Government. Rule 283 reads as under:

“Rule 283: (a) The pay which a Government servant is to receive in foreign service shall be precisely specified in the order sanctioning his transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to pay proper, the exact nature of such remuneration, or concession shall be similarly specified; and no Government servant shall be permitted to receive any remuneration or to enjoy any concession which is not to be so specified.

(b) In determining an appropriate rate of pay, the authority sanctioning a transfer to foreign service, shall take into account the value of any concessions which the Government servant may be permitted to enjoy, such as –

(i) The payment by the foreign employer of contributing towards, leave salary and pension;

(ii) the grant of free residential accommodation and any benefit or advantages connected therewith; and

(iii) the grant of traveling allowance at special rates, and the use of tents, conveyances, animals etc., belonging to the foreign employer.

(c) The terms granted to a Government servant who is transferred to foreign service shall not be so greatly in excess of remuneration which he would receive in Government service, as to render foreign service appreciably more attractive than Government service.

(d) No order of transfer to foreign service shall be issued by the State Government without previous consultation with the Finance Department.

(e) In cases where the power to sanction such transfer has been delegated to a subordinate authority, the initial pay of the Government servant transferred

shall not, without the special orders of the State Government, exceed by more than 25 percent, the substantive pay last drawn by him in Government service and no concessions in addition to pay shall be sanctioned except the following:

- (i) the payment by the foreign employer of contributions towards leave salary and pensions; and*
- (ii) the grant of travelling allowance on the scale prescribed in the Bihar Travelling Allowance Rules."*

26. *On a fair reading of Rule 283(c) and Rule 283(e), it can be seen that it is permissible for the foreign service to pay something more than what the employees were getting in the parent department. Therefore, the interpretation on behalf of the Corporation on reading Rule 283 that the employee sent on deputation to a foreign service has to be paid the same salary/pay scale which he was getting in the parent department, cannot be accepted. Therefore, reliance placed on Rule 282 and 283 of the Bihar Service Code while passing the resolution dated 27.3.2012 was absolutely either misplaced and/or on mis interpretation and, therefore, the same is rightly set aside by the High Court. We are in complete agreement with the view taken by the Division Bench in quashing the resolution dated 27.3.2012.*

27. *Now, so far as the impugned judgment and order passed by the High Court directing the Appellant Corporation to grant pay scale to the Respondents herein, original Writ Petitioners as per the 6th PRC is concerned, it is required to be noted that, as such, the Appellant Corporation itself took a conscious decision in the year 2010 to grant the benefit of 6th PRC to the employees working with the Corporation. However, on the advice of the Finance Department that the Corporation may grant the benefit of 6th PRC to their permanent employees and not to the employees on deputation, the Corporation thereafter took a decision not to grant the benefit of the pay scale as per the 6th PRC. As rightly held by the Division Bench of the High Court, the advice by the Finance*

Department was nonapplication of mind, inasmuch so far as the Corporation is concerned, there is not a single employee appointed by the Corporation on permanent basis and the entire staff is either on deputation or on contract basis from other Boards/organizations. Therefore, the Division Bench of the High Court has rightly directed the Appellant Corporation to grant the pay scale to the Respondents – original Writ Petitioners as per the 6th PRC. However, at the same time, it is to be clarified that they will get the pay scale as per the 6th PRC so long as they continue to work with the Appellant Corporation and as and when they are repatriated, [in that case](#), they shall be governed by the pay scale paid to the employees in the parent Board/Organization.”

In the matter of **Satya Brata Chowdhury (supra)**, the Hon'ble Supreme Court held in paras 18 to 21 as under:-

“18. We may, at the outset, notice that the only contention raised by the appellant before the Tribunal, as also before the High Court, was that the recruitment Procedure in the Eastern Railway Administration was different for the Time-keepers. It has been held not to be so. The judgment of the Central Administrative Tribunal dated 5.7.1991 in TA No.1585 of 1986 has been noticed by us. Therein, the Tribunal directed the workmen of the workshops at

Liluah and elsewhere to be treated at par with their counterparts of Kharagpur, Banaras and Chittaranjan locomotive workshop. It was, therefore, impermissible for the appellant to treat the workers similarly situated, differently. They were to be treated as workers under the [Factories Act](#). Only because some overtime allowance became payable to them or a separate seniority list was maintained or a cadre for the said workers on workshop basis was constituted, the same by itself, in our opinion did not authorize the Eastern Railway Administration to discriminate the workers working in one workshop with the workers working in the other.

19. *We may also notice that letter dated 13.7.2000 issued by the Chief Personnel Manager, Eastern Railways Administration; from a perusal whereof it appears that the claim of appellants that a different recruitment rules existed for the Time-Keepers of different workshops within the Eastern Railway Administration, is not correct. It has also been so found by the Tribunal as also by the High Court.*

20. *The contention of the learned Additional Solicitor General that the Time-Keepers recruited in the Liluah workshop could be treated differently from their counterparts at Jamalpur as in the said letter they were not treated as clerical grade staff, also does not appear to be wholly correct. Appellants themselves have annexed with their affidavit a letter dated 16.6.2006 issued by the Assistant Personnel Officer, Eastern Railway, Jamalpur to Chief Assistant Officer, Eastern Railway, Kolkatta wherein it was stated :*

"As cadre/seniority of Time keeping staff is being maintained with General Group Clerks as such benefit of restructuring has been given to the time keeping staff.

The staff posted in Time Office and working as Time keepers are governed under Factories Act."

21. *The Time keepers of Jamalpur Workshop, thus, have been treated as workers under the Factories Act and if they had been given the benefit of*

recommendations of the Fifth Pay Revision Commission, we fail to understand why the same benefit would be denied to the respondents herein."

5. Though a decision has been taken vide letter dated 02.03.2012 by the State Government not to make payment of arrears of the revised pay-scale to the employees from 01.01.2006 to 31.10.2011, no reason has been assigned in this regard. The decision appears to be unreasonable, unfair, discriminatory and violative of Articles 14 and 21 of the Constitution of India.
6. Taking into consideration the law laid down by the Hon'ble Supreme Court in the matters of ***Bihar State Beverages Corpn. Ltd. (supra)*** and ***Satya Brata Chowdhury (supra)*** and considering the fact that the identical issue has already been considered and decided by this Court in WPS No.697/2013 and other connected matters by common order dated 11/07/2024 which has duly been affirmed by the Division Bench in WA No.622/2024 decided on 30/09/2024, the present writ petitions are also disposed of in terms of para 7 of the order passed in WPS No.697/2013 and other connected matters. Para 7 of the said order is quoted below:-

"7. As the Circular dated 02.03.2012 has already been quashed meaning thereby the petitioners would be entitled to get the benefit of the 6th pay commission and other revisions of salary from 01.01.2006 till 31.10.2011. Thereafter, the State Authorities are directed to calculate the amount of arrears of salary of the petitioners and to make payment and decide the representation subject to verification of the amount claimed by the petitioners preferably within a period of 150 days from the date of receipt of a copy of this order"

7. Accordingly, all the writ petitions are disposed of.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Shoaib