



CGHC010147832026

2026:CGHC:27617-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 546 of 2026

Rakesh Verma S/o Shri Kishor Verma Aged About 65 Years R/o Opp. Uphar Bhawan, Near Hanuman Mandir Ward No.44, New Sarkanda, Jabdapara, Bilaspur, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

... Appellant

versus

1 - Municipal Corporation Bilaspur Through Commissioner Municipal Corporation Bilaspur Near Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

2 - Chhattisgarh Infrastructure Development Corporation Through Managing Director Old Police Head Quarter Premises, Rajbhawan Road, Raipur, District- Raipur, Chhattisgarh.

3 - Divisional Manager Chhattisgarh Infrastructure Development Corporation, Division Office, Old Polic Head Quarter Premises, Rajbhawan Road, Raipur, District- Raipur, Chhattisgarh.

4 - State Of Chhattisgarh Through- Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan Atal Nagar, Nawa Raipur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. K.P.S. Gandhi, Advocate
For Respondents No.1 to 3	:	Mr. A.S. Kachhawaha, Advocate
For Respondent No.4	:	Mr. Prasun Kumar Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

06.07.2026

1. Heard Mr. K.P.S. Gandhi, learned counsel for the appellant. Also heard Mr. A.S. Kachhawaha, learned counsel appearing for respondents No.1 to 3 as well as Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State/respondent No.4.
2. The present intra Court appeal has been filed against the order dated 23.02.2026 passed by the learned Single Judge in WPS No.3006/2019, whereby the writ petition filed by the appellant/writ petitioner before the learned Single Judge has been dismissed.
3. The facts before the learned Single Judge were that the appellant/writ petitioner was appointed as a Conductor in the year 1978 in the erstwhile Madhya Pradesh State Road Transport Corporation. Subsequently, his services were absorbed in the Chhattisgarh Infrastructure Development Corporation (CIDC). Thereafter, by orders dated 04.08.2005 and 24.08.2005 (Annexure P/2), the appellant/writ petitioner was sent on deputation to the Municipal Corporation, Bilaspur, on the post of Assistant Grade-III, where he was ultimately absorbed.
4. It was the case of the appellant/writ petitioner before the learned

Single Judge that, by circular dated 01.08.2007 (Annexure R-1/2) issued by the Government of Chhattisgarh, Home (Transport) Department, he was granted the benefit of the Chhattisgarh Revision of Pay Rules, 1998 with effect from 01.08.2007. However, according to the appellant/writ petitioner, he was entitled to the benefit of the 5th Pay Scale with effect from 01.04.1999 and not merely from 01.08.2007. Accordingly, the appellant/writ petitioner filed the writ petition seeking grant of the benefit of the revised 5th Pay Scale for the period from 01.04.1999 till July, 2007, along with interest at the rate of 18% per annum on the arrears.

5. Feeling dissatisfied with the inaction on the part of the authorities, the appellant/writ petitioner has filed WPS No.3006/2019, which was dismissed by the learned Single Judge vide order dated 23.02.2026.
6. Aggrieved by the order dated 23.02.2026 passed by the learned Single Judge, the appellant/writ petitioner has preferred the present writ appeal.
7. Learned counsel for the appellant/writ petitioner submits that the learned Single Judge has erred in law in dismissing the writ petition without properly appreciating the settled principles governing grant of revised pay scales. It is submitted that the respondent-authorities themselves have acknowledged the continuous service of the appellant/writ petitioner for a total period

of 39 years by granting leave encashment of 240 days vide letters dated 26.10.2017 and 27.10.2017, read with the State Government letter dated 23.10.2017. According to him, once the entire length of service of the appellant/writ petitioner has been recognized by the respondents for the purpose of leave encashment and retiral benefits, it is impermissible in law for the respondents to deny continuity of the same service for the purpose of grant of benefit of the 5th Pay Scale for the period from 01.04.1999 to 31.07.2007.

- 8.** It is further submitted that the action of the respondents is wholly self-contradictory and arbitrary inasmuch as the very same service has been treated as continuous for extending retiral benefits, but has been artificially curtailed for denying financial upgradation and revised pay benefits. Such an inconsistent stand, according to learned counsel, is violative of the principles of equality and fairness enshrined under Article 14 of the Constitution of India. He would contend that the learned Single Judge failed to consider this crucial aspect that once the respondents themselves have recognized the full length of service of the appellant/writ petitioner, such recognition necessarily carries with it all consequential service benefits, including entitlement to revised pay and arrears.
- 9.** Learned counsel further submits that the finding of the learned Single Judge that the appellant/writ petitioner is entitled to the benefit of the 5th Pay Scale only with effect from 01.08.2007 is

arbitrary and contrary to the Chhattisgarh Revision of Pay Rules, 1998, which were made effective from 01.04.1999. According to him, once the said Rules came into force, the appellant/writ petitioner acquired a vested and enforceable right to receive revised pay from the due date, and such statutory entitlement could not have been curtailed by an executive circular. It is contended that the circular dated 01.08.2007 has been misinterpreted by the respondents as well as by the learned Single Judge, inasmuch as the same, being merely an executive instruction, cannot operate so as to deny arrears for the period prior to 01.08.2007, nor can it override the statutory Rules or take away accrued financial benefits of an employee.

- 10.** It is also submitted that the learned Single Judge has failed to appreciate that the service of the appellant/writ petitioner has remained continuous since his initial appointment in the year 1978, and his absorption in another department/establishment would not extinguish or wipe out the benefit of past service. Therefore, denial of the benefit of revised pay scale for the period from 01.04.1999 to 31.07.2007 is arbitrary, unreasonable and violative of Article 14 of the Constitution of India. Learned counsel would further submit that similarly situated employees have been granted the benefit of revised pay scale from the due date, and denial of the same to the appellant/writ petitioner amounts to hostile discrimination.
- 11.** It is next submitted that the learned Single Judge has erred in

holding that non-challenge to the circular dated 01.08.2007 is fatal to the case of the appellant/writ petitioner. According to learned counsel, the appellant/writ petitioner had specifically challenged the consequential rejection order dated 17.01.2019, and while examining the validity of such rejection order, the legality and effect of the circular could always be examined incidentally. It is further contended that the order dated 17.01.2019 is a non-speaking and arbitrary order passed without proper application of mind.

- 12.** Lastly, learned counsel submits that the learned Single Judge has failed to consider that financial benefits flowing from statutory service rules cannot be denied retrospectively by way of administrative instructions. It is urged that the principle of beneficial construction, which is well-recognized in service jurisprudence, ought to have been applied in favour of the appellant/writ petitioner, particularly when he is a retired employee who has been deprived of his legitimate dues, thereby causing serious financial prejudice and hardship. On the strength of these submissions, it is argued that the impugned order is contrary to the settled principles laid down by the Hon'ble Supreme Court in matters relating to pay revision, continuity of service and entitlement to arrears, and therefore deserves to be set aside.
- 13.** On the other hand, learned State counsel supported the impugned order passed by the learned Single Judge and submitted that the appellant/writ petitioner has rightly been granted the benefit of the

Chhattisgarh Revision of Pay Rules, 1998 only with effect from 01.08.2007 in terms of the circular dated 01.08.2007 issued by the Government. It was contended that prior to his absorption, the appellant/writ petitioner was not serving under the State Government in such capacity so as to claim the benefit of revised pay scale from 01.04.1999, and, therefore, no error has been committed either by the respondents in rejecting his claim or by the learned Single Judge in dismissing the writ petition.

- 14.** We have heard learned counsel appearing for the parties and have carefully considered their rival submissions. We have also perused the records of the case, including the order dated 23.02.2026 passed by the learned Single Judge in WPS No.3006/2019.
- 15.** After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“7. A careful perusal of the aforesaid circular would show that petitioner, being an employee of the CIDC would be entitled for the benefit of Rules of 1998 w.e.f. 01/08/2007. The aforesaid circular has been followed by the Municipal Corporation, Bilaspur in rejecting the claim of the petitioner vide order dated 17/01/2019 and the said order has not been challenged by the petitioner in this writ petition.

8. In that view of the matter, the respondent

No.1 i.e. Municipal Corporation, Bilaspur, with whom petitioner had been absorbed, has rightly rejected petitioner's claim of granting him the benefit of 5th pay Scale from 01/04/1999 till July 2007 in view of the order dated 01/08/2007. I do not find any merit in this writ petition.

9. Accordingly, this writ petition deserves to be and is hereby dismissed leaving the parties to bear their own cost(s)."

- 16.** The principal claim of the appellant/writ petitioner is that although he has been extended the benefit of the Chhattisgarh Revision of Pay Rules, 1998 with effect from 01.08.2007 in terms of the circular dated 01.08.2007, he ought to have been granted the said benefit from 01.04.1999, i.e., the date from which the revised pay rules were made operative. The foundation of such claim is the assertion that his service right from the year 1978 stood recognized by the respondents for the purpose of leave encashment and retiral dues and, therefore, the same continuity of service ought to have been acknowledged for the purpose of grant of revised pay scale as well. Attractive though the submission may appear at first blush, on a closer scrutiny, the same does not merit acceptance in the facts of the present case.
- 17.** It is not in dispute that the appellant/writ petitioner was originally appointed in the erstwhile Madhya Pradesh State Road Transport Corporation and thereafter his services were absorbed in the CIDC. It is also not in dispute that subsequently he was sent on

deputation to the Municipal Corporation, Bilaspur and was ultimately absorbed there. Equally, it is not in dispute that the claim for grant of the 5th Pay Scale from 01.04.1999 to 31.07.2007 came to be considered by the competent authority and was rejected in the light of the circular dated 01.08.2007, in terms whereof employees situated like the appellant/writ petitioner were held entitled to the benefit of the Chhattisgarh Revision of Pay Rules, 1998 only with effect from 01.08.2007.

- 18.** The fulcrum of the appellant's challenge is that once the respondents have taken into account the length of his service for the purpose of leave encashment and retiral benefits, they are estopped from denying him the benefit of revised pay from an earlier date. We are unable to accede to the said submission. Recognition of past service for a limited and specific purpose such as computation of qualifying service, retiral dues or leave encashment does not, by itself, automatically confer a corresponding right to claim every other service benefit dehors the governing rules, circulars or conditions regulating such benefit. Service jurisprudence recognizes that different benefits may operate in different fields and may be governed by distinct conditions.
- 19.** Therefore, merely because the respondents counted the appellant/writ petitioner's previous service for the purpose of leave encashment or retiral dues, it would not necessarily follow,

as a matter of legal consequence, that he became entitled to the revised pay scale under the Rules of 1998 from 01.04.1999 notwithstanding the specific stipulation contained in the circular dated 01.08.2007.

- 20.** In the present case, the entitlement of the appellant/writ petitioner to the benefit of the Chhattisgarh Revision of Pay Rules, 1998 has not been denied in toto. On the contrary, the respondents have extended such benefit to him with effect from 01.08.2007 in accordance with the circular dated 01.08.2007. Thus, the controversy is not whether the appellant/writ petitioner is entitled to the revised pay scale at all, but whether he can claim the same for the anterior period commencing from 01.04.1999 despite the express executive decision governing employees of his category. Unless the very basis of such decision, namely the circular dated 01.08.2007, is shown to be illegal, arbitrary or contrary to any statutory provision, no direction can be issued for extending the benefit from a date earlier than the one expressly provided therein.
- 21.** At this stage, it would be apposite to notice that the learned Single Judge has recorded that the claim of the appellant/writ petitioner had been rejected by the Municipal Corporation, Bilaspur vide order dated 17.01.2019 by following the circular dated 01.08.2007, and the said order had not been challenged in the writ petition. Even otherwise, before us also no material has been

brought on record to demonstrate as to how the circular dated 01.08.2007, on the basis of which the appellant's claim was confined to the period commencing from 01.08.2007, is per se ultra vires, arbitrary or in direct conflict with any statutory rule. In the absence of a substantive challenge to the foundational circular or to the rejection order based thereupon, the appellant/writ petitioner cannot be permitted to seek a direction contrary to the express terms on which the benefit was made available to him.

- 22.** The submission that the circular dated 01.08.2007, being an executive instruction, cannot override the Chhattisgarh Revision of Pay Rules, 1998 also does not advance the case of the appellant/writ petitioner in the facts of the present matter. It is one thing to contend that an executive instruction cannot supplant a statutory rule; it is entirely another to contend that every employee, irrespective of the source of his appointment, the nature of absorption, the establishment in which he served, and the terms governing such absorption, must automatically receive the benefit of pay revision from the original date of enforcement of the Rules. The appellant/writ petitioner has not been able to point out any provision under the Rules of 1998 or any other statutory instrument mandating that an employee who was originally borne on the establishment of a Corporation and later absorbed elsewhere must, as a matter of right, be granted the revised pay scale from 01.04.1999 irrespective of the subsequent policy decision embodied in the circular dated 01.08.2007.

- 23.** We also do not find substance in the argument founded on Article 14 of the Constitution of India. A plea of discrimination or hostile treatment cannot succeed in the absence of foundational pleadings and cogent material demonstrating that employees identically situated in all material particulars were granted the benefit from 01.04.1999, while the same was arbitrarily denied to the appellant/writ petitioner. A bald assertion that similarly situated employees were granted the benefit from the due date, without placing the relevant particulars, orders, conditions of service, and the legal basis on which such benefit was extended, would not furnish a valid ground for issuance of a writ.
- 24.** So far as the contention regarding continuity of service is concerned, even if it is assumed that the past service of the appellant/writ petitioner was liable to be counted for certain purposes after his absorption, the same, by itself, does not answer the core issue arising in the present appeal, namely, whether the appellant/writ petitioner had a legally enforceable right to claim the 5th Pay Scale for the period from 01.04.1999 to 31.07.2007 in the teeth of the circular dated 01.08.2007 and the order dated 17.01.2019 rejecting such claim. In our considered view, the learned Single Judge has rightly answered the said question against the appellant/writ petitioner.
- 25.** We are also unable to accept the submission that the impugned action is arbitrary merely because retiral benefits and leave

encashment were computed by taking into account the appellant's previous service. The concepts of qualifying service for retiral dues and the date from which a revised pay structure becomes admissible are not necessarily co-extensive. One cannot be mechanically imported into the other unless the governing rules so provide. In service matters, entitlement to a monetary benefit must rest upon a clear legal foundation, and not merely upon parity of reasoning drawn from some other benefit operating in a different field.

- 26.** The scope of interference in an intra-Court appeal against an order passed by the learned Single Judge is also well-settled. Unless the view taken by the learned Single Judge is shown to be manifestly erroneous, contrary to the record, or unsustainable in law, the appellate Court would not substitute its own view merely because another view may also be possible. In the present case, the learned Single Judge has considered the relevant circular governing the field and has found that the appellant/writ petitioner was entitled to the benefit of the Rules of 1998 only with effect from 01.08.2007. We do not find the said view to be either perverse or legally untenable so as to warrant interference in exercise of appellate jurisdiction.
- 27.** In view of the foregoing discussion, we are of the considered opinion that the appellant/writ petitioner has failed to make out any case for grant of benefit of the 5th Pay Scale for the period

from 01.04.1999 to 31.07.2007, much less for payment of arrears with interest. The order passed by the learned Single Judge does not suffer from any infirmity, illegality or jurisdictional error requiring interference by this Court.

- 28.** Accordingly, the writ appeal, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu