

(2019) 11 MP CK 0037

In the Madhya Pradesh High Court

Case No : Writ Petition No. 23103 Of 2019(S)

Dashrath Singh Kaurav And Ors.

APPELLANT

Vs

State Of Madhya Pradesh And Ors

RESPONDENT

Date of Decision : 02-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 11 MP CK 0037

Hon'ble Judges : G.S. Ahluwalia, J

Bench : Single Bench

Advocate : RP Singh, RK Upadhyay, Harishchandra Singh Yadav

Final Decision : Disposed Of

Judgement

Accordingly, this petition on behalf of petitioner No.3 is dismissed as withdrawn.

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:-

"7.1. That, the respondents may kindly be directed to revise second time bound upgradation pay scale/ kramonnati from the due date i.e. 19.04.1999 within a stipulated period of one month with all consequential benefits.

7. 2. That, the respondent may kindly be directed to provide all consequential benefits which is flouted away by not granting the second time bound upgradation/ kramonnati in time including pay fixation, arrears, post retiral and pensionary benefits etc., within a stipulated period of one month.

7.3. That, any other relief doing Justice into the matter including cost of petition, advocate fee etc. may also kindly be awarded to the petitioner."

It is submitted by the Counsel for the petitioners that although the respondents have granted the benefit of Second Kramonnati w.e.f. 1/8/2003 but in fact, they are entitled for Kramonnati after completing 24 years of service and thus, it is clear that Second Kramonnati has been granted belatedly. According to the

petitioners, they were appointed on the dates as mentioned below:-

S.No

Name and Father Name

Date of Appointment

Date of Retirement

1

Dashrath Singh Kaurav S/o Shri Sury Singh Kaurav

25.09.1978

30.06.2019

2

Ram Preet Singh Gurjar S/o Shri AngAd Singh Gurjar

25.09.1978

3

Mahendra Singh Rajput S/o Shri Vaijnath Singh Rajput

25.09.1978

30.04.2016

4

Ranvijay Singh Yadav S/o Shri Mahendra Singh Yadav

25.09.1978

31.01.2019

5

Gambhir Singh Kushwah S/o Shri Matadeen Kushwah

25.09.1978

30.06.2015

6

Shiv Dayal Baghel S/o Shri Samal Baghel

25.09.1978

25.09.1978

It appears that the petitioners have not made any representation to the respondents for consideration of their demands and they have approached this

Court directly.

Accordingly, this petition is disposed of with a liberty to the petitioners in case, if they file representation seeking their claims, then the said representation shall be decided by the respondents within a period of six months from the date of filing of representation and if it is found that the petitioners are not entitled for Second Kramonnati from an early date, then their representation may be decided by passing a speaking order.

A direction to decide the representation should not be construed as a direction to award the Second Kramonnati to the petitioners from an early date. The claims of the petitioners shall be decided strictly in accordance with law.

With aforesaid liberty, this petition so far it relates to petitioners No.1, 2 and 4 to 7 is finally disposed of.

Certified copy as per rules.