
(2013) 07 MP CK 0290

In the Madhya Pradesh High Court

Case No : Writ petition No. 1465 of 2003

Madan Mohan Pathak

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 01-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0290

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : D.S. Raghuvanshi, for the Appellant; Nidhi Patankar, G.A., for the Respondent

Judgement

Sujoy Paul, J.—In this petition, the petitioner has prayed for a direction for the respondents for grant of increment and regular pay scale from the date of initial appointment of the petitioner i.e., 11.4.1991. Shri D.S. Raghuvanshi, learned counsel for the petitioner submits that the petitioner was appointed by order dated 11.4.1991 (Annexure P-1). The respondents did not grant him the increment till he passed the Hindi Typewriting Examination. By placing reliance on certain orders of M.P. Administrative Tribunal (Annexure P-3), it is stated that the petitioner is entitled for the said benefit.

2. It is opposed by the other side on the basis of circular Annexure R-1 dated 19.3.1980.

3. I have heard the learned counsel for the parties and perused the record.

4. In the appointment order Annexure P-1 (clause-3), it is made clear that the petitioner was required to pass Hindi Typing Examination within one year from the date of his appointment. The petitioner has admittedly not done it within one year. When he completed the same then only the increments were granted to the petitioner. A perusal of circular dated 19.3.1980 (Annexure R-1) shows that all employees who were appointed after 28.8.1971 on the post of L.D.C. are required to pass Hindi Typing Examination and it is an essential eligibility

condition which cannot be relaxed. The petitioner has not shown any statutory rules etc. to the contrary which shows that it was not an essential qualification.

5. A Division Bench of this Court in State of M.P. and Another Vs. Onkar Lal, considered a case where passing of the said test was not an essential qualification. In State of M.P. and another Vs. Manoj Kumar Sharma and another, a Division Bench of this Court opined that when as per the eligibility condition, certain qualification is eligibility qualification, there is no question of grant of advance increment to the employees appointed after commencement of the said provision. In the light of aforesaid Division Bench judgments, no fault can be found in the action of the employer in not granting the benefit of increments from the date of initial appointment. The petition is meritless and fails. No cost.