
(2014) 08 MP CK 0083
In the Madhya Pradesh High Court
Case No : Writ Petition No. 12432/2013

Mehfooz Ahmed

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 20-08-2014

Acts Referred:

Citation : (2014) 08 MP CK 0083

Hon'ble Judges : Rajendra Menon, J;Alok Aradhe, J

Bench : Division Bench

Advocate : Greeshm Jain, Learned Counsel, Advocate for the Appellant;
Samdarshi Tiwari, Learned Government Advocate and Ashish Shrotri, Learned Counsel, Advocate for the Respondent

Judgement

1. With the consent of parties matter is heard finally.

In this writ petition, the petitioners inter alia seek quashment of memo dated 19/08/2011 as well as 07/11/2012 by which their representation with regard to grant of one advance increment has been rejected. The petitioners also seek a direction to the respondents to accord them benefit of one advance increment as per circular dated 06/02/2006. In order to appreciate the petitioners' grievance few facts need mention which are stated infra.

2. The petitioners are working on the post of Private Secretary, Personal Assistant and Stenographer in the High Court of Madhya Pradesh at its Principal Seat in Jabalpur and Benches at Indore and Gwalior. Initially the petitioners were working on Manual Type Writers and thereafter for some time on Electric Type Writers till the year 1995. In the month of January 1995 NIC Computer Cell was set-up in the High Court of Madhya Pradesh and regular training was imparted to the petitioners on Word Processing, Basics of Computer, Internet, Data Entry and Management etc by the High Court of Madhya Pradesh through NIC Compute Cell established in the High Court of Madhya Pradesh. The petitioners after obtaining the training started performing the duties on computers by using Word Processing, Basics of Computer, Internet, Data Entry and Management etc.

3. The General Administration Department of Government of M.P has issued a circular dated 06/02/2006 by which computer training was made mandatory for the officers and employees of all the departments of Government of Madhya Pradesh. The aforesaid circular provides that if there is computer in any department and employee successfully completes training within one year, he is entitled for one advance increment in his pay scale. The petitioners in the light of circular dated 06/02/2006 submitted representations dated 08/03/2011 and 20/09/2012 which were rejected vide orders dated 19/08/2011 and 07/11/2012. In the aforesaid factual background, the petitioners have approached this Court.

4. Learned counsel for petitioners submitted that petitioners are entitled to receive one advance increment as they have received training by NIC Computer Cell set up in the High Court of Madhya Pradesh and the petitioners are successfully operating the computers and are discharging their duties. It is further submitted that circular dated 06/02/2006 does not require any certification in respect of training in the case of petitioners.

5. Learned Government Advocate has submitted that though the High Court is well equipped with the facility of the computer and Ministerial staff appointed in the High Court has been working on the computers and has also sufficient exposure to computer operations but since the petitioners do not have certification in respect of their training and therefore they are not entitled to the benefit of circular dated 06/02/2006. Learned counsel for respondents no.4 to 6 has also not disputed the fact that the Ministerial staff employed in the High Court of Madhya Pradesh is working on computers. However, it is submitted that certification in respect of the training is sine qua non for availing the benefit of the circular dated 06/02/2006.

6. We have considered the submissions made by learned counsel for parties. The sole question involved in this writ petition is about interpretation of Clause-9 of circular dated 06/02/2006.

7. In paragraph 2 of the return filed on behalf of respondents no.4 and 5 it is admitted that NIC Compute Cell has been set up in the High Court of Madhya Pradesh for imparting necessary training in computerization services to the staff of High Court. In paragraph 4 of the return it has been admitted that petitioners have been given formal training at the NIC Cell. The State Government in paragraph 5 of the return has stated that High Court is well equipped with the facility of the computer and Ministerial staff appointed in the High Court of Madhya Pradesh have been working on computers and have also sufficient exposure to the computer operations.

8. From perusal of Annexure-P-6 annexed to the rejoinder filed on behalf of the petitioners, we find that NIC computer Cell of the High Court has been imparting regular training to the Court and Registry Staff on Word Processing, Basics of Computer, Internet, Data Entry and Management etc. It has further been stated that about 500 persons have been trained in last five years. Thus, it cannot be

disputed that the petitioners have been working on computers and have sufficient exposure to computer operations. The petitioners admittedly have also received the training in NIC Computer Cell of High Court of Madhya Pradesh.

9. Clause-9 of Circular dated 06/02/2006 issued by General Administration Department reads as under:-

Thus, from scrutiny of Clause-9 of Circular it is evident that in a department where computer is available, if an employee successfully completes training in one year, he shall be entitled to one advance increment and in case in a department where computer is not available, if an employee completes training within three years, on due certification, he shall be entitled to one advance increment. In other words in a department where the computer is available, if an employee receives training within one year, he becomes entitled to one advance increment and such entitlement is not dependent on completion certificate. Admittedly, the High Court is well equipped with the facility of computer and the petitioners have received training in NIC Computer Cell set up in Madhya Pradesh High Court, therefore in our considered opinion, there is no requirement of obtaining any certification in respect of the training in case of petitioners and the interpretation put forth by the respondents on the circular dated 06/02/2006 cannot be accepted.

9. In view of preceding analysis impugned memo dated 19/08/2011 as well as 07/11/2012 are hereby quashed. The respondents are directed to accord the benefit of one advance increment to the petitioners from the date on which the petitioners have become entitled to such benefit, within a period of three months from the date of receipt of certified copy of the order passed today.

10. In the result, the Writ Petition is allowed.