
(2019) 11 MP CK 0042

In the Madhya Pradesh High Court

Case No : Writ Petition No. 23314 Of 2019

Mohar Singh Raghuwanshi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 11 MP CK 0042

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

Bench : Single Bench

Advocate : Neeraj Shrivastava, R.K. Upadhyay

Final Decision : Disposed Of

Judgement

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

"It is, therefore, most humbly prayed that the petition of the petitioner may kindly be allowed and further the respondents be directed to give similar benefit of second Kramonnati/second time bound promotion w.e.f. 19.4.1999/24.7.2000 due date and further be pleased to direct the respondent re-fix the pay and pension and other allowances for payment of differential of arrears of salary with interest as also service benefit be revised accordingly with interest till payment is made."

It is submitted by the counsel for the petitioner that petitioner has retired on 30.6.2017 from the post of Physical Training Instructor. Initially petitioner was required to work for a period of two years and thereafter his date of regular appointment was treated to be the date of appointment and accordingly earlier the department was treating the date of appointment of the petitioner as 25.9.1978. However, by order dated 24.12.2018 which was passed in the light of the orders by the Supreme Court, the date of appointment of the petitioner was changed from 25.9.1978 to 24.7.1976. Accordingly, the petitioner was entitled

for second Kramonnati on completion of 24 years i.e. on 24.7.2000, however, he has been granted second Kramonati w.e.f. 1.8.2003. Accordingly, the petitioner has made a representation, Annexure P/4, which was duly received by the respondents on 1.8.2019, however, no heed has been paid and said representation is still pending and accordingly, it is prayed that respondents be directed to decide the said representation by a speaking order and award the arrears of second Kramonati in accordance with law.

Per contra, it is submitted by the counsel for the State that in case if the representation made by the petitioner is still pending, then the same shall be decided by passing a speaking order and if it is found that the petitioner is entitled for second Kramonati from any back date, then the said benefit would be extended to him.

Heard counsel for the petitioner.

It is the case of the petitioner that earlier his date of appointment was 25.9.1978, however, by order dated 24.12.2018 his first date of appointment was changed to 24.7.1976 and accordingly he had completed 24 years of his service on 24.7.2000 and thus he is entitled for second Kramonati from 24.7.2000 onwards.

Since the petitioner has made a representation to the respondents, which according to him has not been decided so far, therefore, it is directed that in case if the representation made by the petitioner on 1.8.2019 is still pending, then the same shall be decided in accordance with law by passing a speaking order. In case if the respondents are of the view that second Kramonati has been rightly granted to the petitioner from 1.8.2003, then they shall pass a speaking order and in case if the respondents come to the conclusion that the petitioner is entitled for second Kramonati from any previous date, then arrears shall be awarded to the petitioner. It is directed that decision should be taken strictly in accordance with law as this Court has not considered merits of the case. Let, on making a fresh representation by the petitioner along with certified copy of this order, the respondents are directed to decide the claim of the petitioner within a period of three months from the date of receipt of representation as well as certified copy of this order.

With the aforesaid, this petition is finally disposed of.