
(2014) 05 MP CK 0054
In the Madhya Pradesh High Court
Case No : W.P. No. 6220/2014

R.C. Gautam

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 05 MP CK 0054

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : J.L. Aiyer, Learned Counsel, Advocate for the Appellant

Final Decision : Disposed Off

Judgement

R.S. Jha, J.—Heard Ms. J.L. Aiyer, learned counsel for the petitioners on the question of admission and interim relief.

2. The petitioner has filed this petition being aggrieved by order dated 20.03.2014 and 28.03.2014 issued by the State Government whereby all the Chief Executive Officers of the Janpad Panchayat of the State have been prohibited from implementing the 5th and 6th Pay Commission recommendations in respect of the erstwhile employees of the M.P. State Cooperative Oil Seed Grover Federation on their own but to await the decision in this regard from the State Government in compliance of the directions issued by this court in various petitions.

3. It is submitted by the learned counsel for the petitioners that this court in several petitions including W.P. No. 5680/2009(S) which has been affirmed up to the Supreme Court, has directed that the erstwhile employees of the M.P. State Cooperative Oil Seed Grover Federation are entitled to the benefit of the 5th and 6th Pay Commission recommendations irrespective of the department in which they have been sent on deputation. It is submitted that once the matter has been decided by this court and affirmed by the Supreme Court and the State has been directed to implement the 5th and 6th Pay Commission recommendations,

the State could not have issued the impugned order dated 20.03.2014. It is submitted that all the Chief Executive Officers of the Janpad Panchayat concerned were required to implement the same in compliance of the directions issued by this court and therefore no fault could be found with their decision.

4. Having heard the learned counsel for the petitioners it is observed and as fairly stated by the learned counsel for the petitioners that the Janpad Panchayats have no power to implement the 5th and 6th Pay Commission recommendations on their own and the decision in that regard has to be taken by the State Government. At the same time, it is apparent that this court while deciding the matter has held that the persons like the petitioners are entitled to the benefits of the 5th and 6th pay commission and that the matter is under process of the implementation with the State and the State Government in view of the aforesaid facts has directed to stay their hands till final decision in that regard is taken by the State Government.

5. In view of the aforesaid facts and circumstances, and law laid down by this court and looking to the fact that the decision of this court is under the process of implementation by the State Government, without entering into the merits of the case, the petition filed by the petitioners is disposed of with a direction to the effect that in case the petitioners furnish a copy of the order passed by this court today along with a copy of the petition before the State Authorities, they shall take all expeditious steps to implement the order passed by this court in W.P. No. 5680/2009(S) and affirmed by the Supreme Court in SLP (Civil) No. 31673/2011. It is made clear that expeditious steps, as directed above, would be taken by the State Government as far as possible within three months.

6. The petitioner would be at liberty to approach the State by filing a representation seeking implementation and directions issued by this court at an early date.

7. With the aforesaid directions, the petition filed by the petitioner stands disposed of.

8. C.C. as per rules.