

**(2002) 07 MP CK 0093**  
**In the Madhya Pradesh High Court**  
**Case No : Writ Petition No. 1303/99**

Susheel Kumar Seth

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

**Date of Decision :** 31-07-2002

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

**Citation :** (2003) 1 MPHT 131 : (2003) 1 MPLJ 251

**Hon'ble Judges :** Rajendra Menon, J

**Bench :** Single Bench

**Advocate :** A.M. Naik and Rajeev Raghuvanshi, for the Appellant; Sudha Shrivastava, Panel Lawyer for Respondent No. 1 and Tapan Trivedi, for the Respondent

**Final Decision :** Allowed

## Judgement

Rajendra Menon, J.

The present petition has been filed by the petitioner, who is working as a Foreman in the respondent-University and it is a case of the petitioner that he is a foreman performing technical job, whereas by resolution Annexure P-7 the University had resolved to give higher pay scale and benefit of increments to other technical employees like Artist-cum-photographer and Museum Keeper, etc., who are holding junior post and the same benefit is not being granted to the petitioner. It is the case of the petitioner that the post of Foreman is in the scale of 280-480 which is above the scale of post of Museum Keeper and Artist-cum-photographer, who come in the grade of 246-460.

The Executive Council in its meeting held on 19-6-1998 has resolved to upgrade by 5 steps pay of Artist-cum-photographer and Museum-cum-Harvarium Keeper, whereas the same benefit is being denied to the petitioner. The petitioner's claim was recommended by the competent authorities of the University as is evident from Annexure P-8, but no relief has been granted to the petitioner. In spite of

recommendations made vide Annexures P-8 and P-11, as benefit was not granted, therefore, this petition for a direction to the respondents to give similar benefit granted to other technical persons like Artist-cum-photographer and Museum-cum-Harvarium Keeper. The petitioner is a I.T.I, passed person and is performing the duties of foreman which requires repairing of various Science Instruments being used in the University. The work of the petitioner is purely of a technical nature and when persons discharging duties of technical nature like Artist-cum-photographer and Museum-cum-Harvarium Keeper are being granted the said benefit. There is no reason why the same benefit cannot be extended to the petitioner. The respondents have filed their reply and have merely submitted that the duties of petitioner and Museum-cum-Harvarium Keeper and Artist-cum-photographer are different, and therefore, no relief can be granted to the petitioner.

A perusal of the resolution of the University as contained in Annexure P-7 goes to indicate that the Executive Committee while considering the case of the employees for grant of higher pay scale as per the Vohra Pay Commission, taking into consideration the technical nature of job which is being performed by the employees concerned granted the benefit of higher pay scale by stepping up the pay by 5 stages on the ground that the work being done is of technical nature. The consideration is to the technical nature of job and not to the actual work being performed by the employees.

From the aforesaid it is clear that the benefits have been granted to employees who are performing the technical nature of job. Admittedly the petitioner, who is a foreman and his duties are to repair instruments and machinery in the University is doing technical work, there cannot be any doubt that the work being performed by the petitioner is technical in nature.

Under similar circumstances this Court in W.P. No. 392/1999, Shyamlal Likhar v. State of M.P. and Anr., had held that the work of a Museum Keeper in Zoology Lab is technical in nature and benefit of resolution of the Executive Council dated 19-6-1998 (Annexure P-7) should be granted. As indicated in the order passed in W.P. No. 392/1999 the resolution was to grant benefit to all persons doing technical duties. The nature of duties of a foreman which is to repair instruments and machinery is purely technical in nature and there can be no reason why the claim of the petitioner was ignored when persons like Museum-cum-Harvarium Keeper and Artist-cum-photographer were held to be doing technical work.

In view of the above, the action of the respondents for denying the claim of the petitioner while granting the same to other technical persons is clearly unsustainable. The petition is accordingly allowed. The respondents are directed to extend the same benefits to the petitioner as have been extended to the persons doing technical nature of work as per the resolution contained in Annexure P-7.

The petition is accordingly allowed.