
(2006) 02 MP CK 0082

In the Madhya Pradesh High Court

Case No : Writ Petition No. 19118 of 2003

Sushil Chand Jain and another

APPELLANT

Vs

State of M.P. and others

RESPONDENT

Date of Decision : 14-02-2006

Acts Referred:

Citation : (2006) 2 MPLJ 464

Hon'ble Judges : Shantanu Kemkar, J

Bench : Single Bench

Advocate : Malti Dadariya, for the Appellant; Vinod Mehta, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Shantanu Kemkar, J.

Feeling aggrieved by the order dated 5-2-2002 issued by the third respondent holding the petitioners ineligible for extending the benefit of Kramonnati, the petitioners approached to the M.P. State Administrative Tribunal, Jabalpur in Original Application No. 804/2002. On abolition of the Tribunal the matter has reached this Court for adjudication.

The petitioners are Lower Division Clerks. They were appointed in the year 1972 and were eligible for consideration under the Kramonnati scheme of the State Government. The petitioners alleged that though their cases were considered for higher pay scale under the Kramonnati scheme but the benefit has been denied to them arbitrarily and illegally. The petitioners alleged that the rejection of their claim on the basis of un-communicated adverse entries is contrary to the various judgments of the Supreme Court.

The respondents in their return stated that as per the Kramonnati scheme the cases for extending the said benefit were to be considered as per the norms fixed for considering the cases of promotion. The respondents relied clause (g) of the scheme which reads thus :

The respondents placed on record the minutes of the Departmental Promotion Committee and the marks obtained by the various persons. The Departmental Promotion Committee fixed marks for different grades they fixed different marks. It considered the ACRs of the last five years of all the eligible candidates. The minimum marks fixed for extending the benefit of Kramonnati scheme were 12 marks. The petitioners on the basis of their last five years ACRs secured only 11 marks. Accordingly, their cases were rejected by the DPC.

In view of the Clause (g) of the Scheme the cases of Kramonnati were to be examined as the cases of promotion are examined. It is not in dispute that in the rules applicable for promotion the criteria is merit and suitability in all respects with due regard to seniority. In order to assess the cases for grant of benefit of Kramonnati the Departmental Promotion Committee fixed the criteria that the persons should secure minimum 12 marks on the basis of marks fixed by the DPC on the basis of gradings. The petitioners secured less than the minimum marks fixed by the DPC for grant of the said benefit. Thus it is not a case where on the basis of adverse entry the petitioners have been denied the benefit of the Kramonnati Scheme. The petitioners' cases were considered but as they could not secure the minimum marks on the basis of their last five years ACRs they were not found fit by the DPC for extending the said benefit. In *Union of India and Others Vs. Lt. Gen. Rajendra Singh Kadyan and Another*, the Supreme Court has held that merit and suitability in all respects with due regard to seniority necessarily involves assessment of comparative merit of all eligible candidates and selecting the best out of them.

Having regard to the aforesaid, I find no ground to interfere into the matter. Accordingly, the writ petition is dismissed. No order as to costs.