

(2013) 07 MP CK 0187
In the Madhya Pradesh High Court
Case No : W.A. No. 108 of 2010

The State of M.P. and Another		APPELLANT
	Vs	
Dr. Santosh Kumar Gandhi		RESPONDENT

Date of Decision : 01-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0187

Hon'ble Judges : Krishn Kumar Lahoti, Acting C.J.; Subhash Kakade, J

Bench : Division Bench

Advocate : P.K. Kaurav, Additional, for the Appellant; Gaurav Tiwari, for the Respondent

Final Decision : Dismissed

Judgement

1. I.A. No. 3397/2010, seeking condonation of delay in filing the writ appeal: For the reasons stated in the application which are duly supported by an affidavit, the delay is condoned. Accordingly, I.A. No. 3397/2010 is allowed. Also heard on the question of admission of the appeal.

2. This appeal is directed against the order, dated 14-5-2009 passed by the writ Court in W.P. No. 7932/2007(S), by which the learned Single Judge, considering the Notification (Annexure-P/2), dated 30th December, 1999, found that the respondent was entitled for two advance increments, because of his earning Ph.D. Degree during his service tenure as per Clause 7(c) of the Career Advancement Scheme. The learned Single Judge also found that under the Career Advancement Scheme, because of non-grant of promotion the respondent was entitled to another increment. In the present case, the respondent was denied two advance increments even after earning Ph.D. Degree.

3. The case of the appellants is that once the respondent was allowed two increments by virtue of the Career Advancement Scheme, he was not entitled for another two increments because of his earning Ph.D. Degree. To appreciate the aforesaid contention, Clause 7 of the Scheme can be seen, which is reproduced

hereunder:

7. Incentives for Higher Qualification

(a) At the time of recruitment as Lecturers,

(i) four advance increments will be admissible to those who hold Ph.D. Degrees, and

(ii) two advance increments will be given to those who hold M.Phil. Degree in Science/Humanities and to those who hold M.E./M.Tech. Degrees.

(b) A teacher with M.E./M.Tech., who does not have a Ph.D. Degree will be eligible for two advance increments as and when he/she acquires a Ph.D. Degree in his/her service career.

(c) A lecturer with Ph.D. Will be eligible for two advance increments when he/she moves into the grade for Lecturer (Selection Grade) through Career Advancement Scheme or is appointed as Head of Department.

4. From a perusal of the aforesaid provision, it is apparent that after earning Ph.D. Degree, two advance increments ought to be allowed when a person moves into the grade for Lecturer (Selection Grade) as an incentive. The aforesaid provision specifically provides two advance increments after earning Ph.D. Degree. The contention of the respondent has been allowed by the writ Court and two advancement increments have been directed to be allowed to the respondent, while the same were denied by the appellants, because the respondent was already given two increments under the Career Advancement Scheme.

5. The learned Single Judge has rightly held that because of earning of Ph.D. Degree, the respondent was entitled for additional two advance increments, in spite of the fact that he was already allowed two advance increments under the Career Advancement Scheme which was allowed under different provision. For the aforesaid reasons, we do not find any error in the impugned order warranting our interference. Accordingly, the writ appeal is hereby dismissed at the admission stage itself, with no order as to costs.