
(2014) 06 MP CK 0030
In the Madhya Pradesh High Court
Case No : W.P. No. 8785/2014

Umakant Dubey

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 20-06-2014

Acts Referred:

Citation : (2014) 06 MP CK 0030

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

Bench : Single Bench

Advocate : Bhupendra Mishra, learned Counsel, Advocate for the Appellant; S.P. Rai, learned Panel Lawyer, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

R.S. Jha, J.—Heard on the question of admission.

2. The petitioner has filed this petition claiming grant of regular pay scale from the initial date of appointment. The benefit is claimed by the petitioner in the light of the order passed by the Division Bench at Indore Bench of this Court, in W.A. No. 346/2008 (Smt. Usha Ranawat Vs. State of M.P. and others), dated 18-12-2008. By the aforesaid order passed, more than 25 writ appeals claiming similar benefits were decided and it was directed that the benefit of pay fixation in the regular pay scale from the initial date of appointment shall be made to the petitioners therein. In fact the Division Bench has upheld the orders passed by the learned Single Judge in various cases and while deciding the writ appeals in para-19 the following directions were issued by the Division Bench:

19. In view of the foregoing discussion, the appeal filed by writ petitioners succeeds and is allowed whereas writ appeals filed by the State are dismissed in limine. Impugned order of Single Bench is modified to the extent that appellant (writ petitioner) in addition to all benefits awarded by the Single Judge in the impugned order would also be entitled to claim arrears of his salary from the date of his initial appointment. In other words, the appellant will be entitled to

claim the benefit of his pay fixation i.e. regular pay scale from the date of his initiate appointment. Let the calculation be made by respondents in the light of appellant's date of initial appointment and accordingly, the arrears payable to appellant towards his salary be paid to him/her in each case, which are subject matter of these appeals within a period of 6 months from the date of this order.

3. In view of the aforesaid, the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner files a representation before the authorities claiming the aforesaid benefit alongwith a copy of the order passed today and a copy of the petition, the concerned authority shall examine the same keeping in mind the decision in the case of Usha Ranawat (supra) with regard to payment of arrears and other benefits also and take a decision thereon expeditiously in accordance with law.

4. However, if on examination the respondents find that for any reason whatsoever, the benefits cannot be extended, they shall record such reasons and communicate it to the petitioner.

5. With the aforesaid direction the petition, filed by the petitioner stands disposed of.

6. C.C. as per rules.