

THE HIGH COURT OF MADHYA PRADESH
W.P. No. 14036/18

(Upendra Babu Rajput & ors. Vs. State of M.P. & ors.)

Gwalior, Dated 13/12/18

Shri Alok Katare, Advocate for the petitioners.

Shri A.K. Nirankari, Govt. Advocate for the respondent/State.

Learned counsel for the State seeks time to file reply and seek instructions as to whether the issue involved herein is covered by the decision of this court filed as Annexure P/3 and P/4.

The prayer made by the petitioners is an innocuous one as the petitioners want their case for grant of benefit under the recommendations of 5th and 6th central pay commission to be considered by contending that they were initially appointed in the M.P. State Cooperative Oil Seeds Growers Federation vide Annexure P/1 in the year 1986-87 on different posts but due to financial constraints faced by the Federation, the establishment of federation including petitioners were sent on deputation to different departments under the Govt. of Madhya Pradesh including Panchayats. It is submitted that the State has also taken a policy decision to absorb these employees of the Federation within the Government. Formal orders in that respect are awaited because of which issue of grant of revised pay-scale hangs fire.

Learned counsel for the petitioners by relying upon the orders of this court annexed as Annexure P/3 and P/4 and also order of Supreme Court vide P/5 by which SLP of the State Government was rejected and an order recently passed by the coordinate Bench of this Court on 4/4/18 in W.P. No. 4515/17, seeks direction to respondents to consider the claim of the petitioners for revised pay-scale as aforesaid.

Considering the fact that issue raised in this petition appears to be finally settled up to the Apex Court, the petitioners shall be at liberty to file a fresh detailed representation before the competent authority i.e. respondent No.1 within a period of 15 days from the date of receipt of certified copy of this order. In case, petitioners file the representation,

respondent No.1 is directed to consider the representation in the light of order dated 23.03.2011 passed in Writ Petition No.5680/2009(S), order dated 27.07.2011 passed in Writ Appeal No.361/2011 vide Annexure P/3 and P/4 and the order dated 10/9/14 passed in S.L.P (Civil) No.24538/14 vide Annexure P/5 as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of the order passed today.

It is needless to emphasize that if the petitioners are found entitled to the benefit claimed by them, then the same be extended to them as expeditiously as possible without compelling them to revisit the court.

It is made clear that this Court has not expressed any opinion on the merits of the case.

Petition stands disposed of.

(Sheel Nagu)
Judge

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