



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 18th OF FEBRUARY, 2025

WRIT PETITION No. 728 of 2019

RAJENDRA SONI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Bhanu Prakash Singh – Advocate for petitioner.

Shri Shailendra Singh Kushwaha – Government Advocate for respondent/State.

ORDER

This petition, under Article 226 of Constitution of India, has been filed seeking following relief(s):-

(i) That, the impugned order dated 17.12.2018 may kindly quashed and the respondents may kindly be directed to give the benefit of Govt. Circular dated 7.10.2016 and to pay the arrear of difference of salary w.e.f. 01.09.2016 after notional fixation from the date of his initial appointments.

(ii) Any other relief, which this Hon'ble Court may deem fit and proper may also be given to the petitioner along with costs.

2. It is submitted by counsel for petitioner that this petition has rendered infructuous as by order dated 13.02.2025, the Deputy Collector has held that this



Court by order dated 09/08/2024 passed in W.P. No.23542/2024 has directed to give the benefit of skilled grade w.e.f. 01/10/2014, accordingly, the permission for the same has been granted. A copy of the said order was also provided which is taken on record.

3. The record of Writ Petition No.23542 of 2024 was requisitioned and this Court did not find any order dated 09.08.2024 in the said writ petition. On the contrary, it appears that petitioner has filed a writ petition claiming that although he has been granted the skilled grade with effect from 05.03.2024 but he should have been granted skilled grade with effect from 29.09.2014.

4. Heard learned counsel for petitioner.

5. There appears to be some forgery because in Writ Petition No.23542 of 2024 order dated 09.08.2024 was never passed and in the order dated 13.02.2025 it is mentioned that this Court by order dated 09.08.2024 passed in Writ Petition No.23542 of 2024 has directed to give the benefit of skilled grade with effect from 01.10.2014. In Writ Petition No.23542 of 2024, petitioner has relied upon order dated 05.03.2024 passed by Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior in which it is mentioned that High Court by order dated 24.01.2024 passed in Writ Petition No.1461 of 2024 has directed to treat petitioner as skilled from unskilled and accordingly in the light of order passed by High Court it was held that petitioner shall be treated as skilled whereas the following order was passed in Writ Petition No.1461/2024:-

“1. The present petition under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:

i) That, the respondents be directed to decide the pending representation of the petitioner as Annexure P/1 in accordance with law and the petitioner found suitable be allowed the benefit to petitioner



regarding Akushal grade to Kushal grade along with all monitory benefit in this respect in the interest of justice.

ii) That, the respondent no.4 be directed to decide the same as the director and other authorities has also written a letter to respondent no.4 for deciding the same as other person allow the same benefit by the respondent no.4 and he was allowed Akusahl to Kushal grade by Annexure P/1 therefore, in the interest of justice the respondent be directed to pass the order considering the case of petitioner in the interest of justice.

iii) That, the cost of the litigation may also be awarded.

iv) Any other relief which this Hon'ble Court deem fit in the facts and circumstances of the case may kindly be granted to the petitioner.

2. A limited prayer has been made by the counsel for the Petitioner that the respondents/authorities may kindly be directed to decide the representation Annexure P/1 dated 1.8.2022 filed by the petitioner, as the respondent authorities are sitting tight over the matter and had not decided the representation till date. Therefore, if directions are issued to the respondent authorities to decide the same, the grievance of the petitioner would be redressed.

3. Per contra, learned counsel for the respondent/State has no objection if such directions are issued to the respondents authorities for deciding the representation.

4. Looking to the innocuous prayer made by the counsel for the petitioner, the petition is disposed of with the direction to respondent no.2-Joint Director, Department of Social Justice, Gwalior Division, Gwalior to decide the representation Annexure P/1 dated 1.8.2022 filed by the petitioner as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of the order.

5. With the aforesaid, the petition stands disposed of.

E-copy/Certified copy as per rules and directions.”



Thus, it is clear that no direction was given by this Court to treat the petitioner as skilled but only direction was to decide the representation. Under these circumstances, it is clear that Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior has deliberately passed an erroneous order dated 05.03.2024 thereby treating the petitioner as skilled by wrongly mentioning that it is being done under the directions of the High Court. Thereafter, as already pointed out, petitioner filed a Writ Petition No.23542 of 2024 to grant the benefit of skilled grade with effect from 01.10.2014 and by order dated 14.08.2024 notices were issued, however, on 13.02.2025 Deputy Collector/Incharge Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior by referring to order dated 09.08.2024 allegedly passed in Writ Petition No.23542 of 2024 has granted the benefit of skilled grade with effect from 01.10.2014. Thus, it appears that order dated 13.02.2025 has been obtained by filing some forged document. Accordingly, in Suo Motu exercise of power under Article 226 of Constitution of India, order dated 05.03.2024 passed by Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior and order dated 13.02.2025 passed by Deputy Collector/Incharge Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior are hereby stayed. Office is directed to register a separate writ petition. Issue notice to petitioner as to why orders dated 05.03.2024 and 13.02.2025 be not quashed.

6. Issue Contempt Notice to petitioner as well as to Shri Shashank who had signed the order dated 05.03.2024 in the capacity of Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior. Office is directed to register a separate case under the Contempt of Courts Act. The Deputy Collector/Incharge Joint Director, Department of Social



Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior is directed to produce the copy of order dated 09.08.2024 on the basis of which order dated 13.02.2025 has been passed. Similarly, Shri Shashank who had signed order dated 05.03.2024 in the capacity of Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division Gwalior to explain that why the order High Court has been misquoted and even when there is no direction to give benefit to petitioner by treating him as skilled, has passed a seven line order mentioning therein that under the orders of High Court petitioner is being treated as skilled. Notice to Shri Shashank shall be served through Commissioner, Department of Social Justice and Empowerment of Persons with Disabilities, Bhopal. Notice to Shri Shashank, the then Joint Director shall be served through Collector, Gwalior as well.

7. Office is directed to keep a copy of the order dated 13.02.2025 in Writ Petition No.23542 of 2024 for ready reference.

8. Since this petition is not argued on merits, therefore, this petition is *dismissed*.

List the newly registered Writ Petition and Contempt Petition on 28.03.2025.

A copy of this order along with copy of order dated 13.02.2025 submitted by petitioner during the course of arguments in this case be also kept in Writ Petition No.23542 of 2024 for ready reference.

Let a copy of this order be sent to Joint Director, Department of Social Justice and Empowerment of Persons with Disabilities, Gwalior Division, Gwalior, for necessary information and compliance.

(G.S. Ahluwalia)
Judge