

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 22nd OF JULY, 2025

WRIT PETITION No. 19259 of 2022

JAHID KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Niraj Shrivastava - Advocate for the petitioner.

Shri K.K. Prajapati- Govt. Advocate for the respondents/State.

.....
WITH

WRIT PETITION No. 25947 of 2021

*SURENDRA KUMAR GAUR (DELETED) THROUGH LRS BASANTI
DEVI*

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Niraj Shrivastava - Advocate for the petitioner.

Shri K.K. Prajapati- Govt. Advocate for the respondents/State.

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WRIT PETITION No. 27215 of 2021

SMT. SAKUNTALA SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Niraj Shrivastava - Advocate for the petitioner.

Shri K.K. Prajapati- Govt. Advocate for the respondents/State.

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WRIT PETITION No. 14226 of 2022

ANIL KUMAR SAMADHIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vikas Samadhiya - Advocate for the petitioner.

Shri K.K. Prajapati- Govt. Advocate for the respondents/State.

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ORDER

The petitioners in these writ petitions (except W.P. No.27215/2021 & W.P. No.25947/2021) have retired from service from the post of Physical Training Instructor and are claiming benefit of third Kramonnati vetanman as provided vide circular, dated 25.10.2017, issued by General Administration Department of State of Madhya Pradesh. The petitioners in W.P. No.27215/2021 & W.P. No.25947/2021 are the widow of Shri Om Prakash Sharma & Shri Surendra Kumar Gaur respectively who retired from service from the post of PTI.

[2]. Since, the question of law raised in these writ petitions is common and, therefore, for purposes of decision of issue, the facts are taken from W.P. No.19259 of 2022 filed by Mr. Jahid Khan. This petitioner has filed this writ petition challenging the order, dated 02.03.2022 (Annexure P/1), whereby his claim for grant of Third Kramonnati vetanman pursuant to Circular, dated 25.10.2017 (Annexure P/8), issued by the General Administration Department, has been declined by the respondents.

[3]. The facts necessary for decision of this case are that the petitioner was initially appointed as Physical Training Instructor (PTI) in Tribal Welfare Department on 11.12.1981. He was thereafter granted regular pay-scale of the aforesaid post on 04.01.1982. Later on, the petitioner's service was absorbed in School Education Department with similar status on 04.03.1994 and he was posted at Shivpuri. He retired on attaining the age of superannuation on 31.10.2015.

[4]. The State Govt. formulated a policy, dated 19.04.1999, commonly known as Kramonnati Scheme whereby the Government Servants were held entitled to benefit of two higher pay-scales, first on completion of 12 years of service and second on further completion of another 24 years of service (24 years in all). Admittedly, the petitioner was granted first Kramonnati pay-scale on 18.10.1999 w.e.f. 05.01.1994 on completion of 12 years of service. Subsequently, on completion of 24 years of service, he was granted second Kramonnati pay-scale w.e.f. 05.01.2006 vide order, dated 26.09.2006, (Annexure P/4).

[5]. The Govt. of Madhya Pradesh thereafter came up with another scheme for grant of third Kramonnati pay-scale vide circular, dated 25.10.2017, (Annexure P/8). The benefit of Third Kramonnati has been made applicable w.e.f. 01.07.2014. This circular states that the benefit of third Kramonnati pay-scale shall be available to Assistant Teachers and Teachers on completion of 30 years of service.

[6]. Since, the petitioner retired on 31.10.2015, he was in service as on 01.07.2014 and, therefore, as per Circular, dated 25.10.2017, the petitioner

claims that he is also entitled to the benefit of third Kramonnati pay-scale on completion of 30 years of service. When the said benefit was not granted to him, the petitioner approached this Court by filing W.P. No.6748 of 2016 which came to be decided by this Court on 03.10.2016, directing the respondents to consider and take a decision on the petitioner's representation in relation to grant of aforesaid benefit. The respondents have rejected the petitioner's aforesaid claim vide impugned order, dated 02.03.2022, (Annexure P/1), on the ground that the benefit under circular, dated 25.10.2017, is available only to Assistant Teachers and Teachers and is not applicable to persons holding other posts including the post of PTI. Against this action of the respondents, the petitioner has filed the present writ petition.

[7]. The learned counsel for the petitioner, challenging the impugned action of the respondents submitted that under the provisions of M.P. Revision of Pay Rules, 1990, the Teacher includes the Music Teacher/Sports Teacher etc. and, therefore, giving a different treatment to the petitioner under circular, dated 25.10.2017, is illegal and violative of Article 14 of the Constitution of India. He further submitted that the similar benefit has been granted to the PTIs in Scheduled Caste Welfare Department in Dhar, Sheopur and Shivpuri districts as is evident from documents filed at page 40, 52 & 53 of the writ petition. He further submitted that the purpose of grant of third Kramonnati Vetanman is only to avoid stagnation of the employees working in various departments and, therefore, there is no reason for discriminating the persons like the petitioner who are not holding the post of

Teacher and Assistant Teacher. He, therefore, prays for quashment of the impugned order and for direction to the respondents to confer benefit of third Kramonnati pay-scale to the petitioner.

[8]. On the other hand, learned counsel for the respondents supported the impugned action of the respondents and submitted that under the circular, dated 25.10.2017, only the persons holding the post of Teacher and Assistant Teacher are entitled to get benefit of third Kramonnati Vetanman and since, the petitioner is not holding the aforesaid post, he is not covered under the said circular. The learned counsel also submitted that the benefit has been extended only to the teaching staff of the School Education Department and there is no provision to give the benefit to non-teaching staff like PTIs. He further submitted that the petitioner stood retired w.e.f. 31.10.2015, and the instant petition is filed in the year 2022 i.e. after lapse of about 7 years and, therefore, the petition is liable to be dismissed on the ground of delay and laches on the part of petitioner.

[9]. Considered the arguments and perused the record.

[10]. The State Government earlier framed a policy, dated 19.04.1999, entitling all Government employees to the benefit of two higher pay-scales, first on completion of 12 years of service and the second on further completion of 12 years of service i.e. 24 years in all. The said benefit of Kramonnati Scheme was extended to all the employees except the Teachers. This was so because as per the respondents, the Teachers were already enjoying the benefit of M.P. Revision of Pay Rules. This action of the respondents came to be challenged before this Court which ultimately

travelled upto the Apex Court and was decided by order, dated 17.03.2015, in the case of **State of Madhya Pradesh & Ors. Vs. Mala Banerjee** reported in (2015) 7 SCC 698. The Apex Court disallowed the discrimination meted out vis-a-vis the Teachers and the other Government employees. It was observed by the Apex Court that the Kramonnati Scheme was introduced to remove frustration amongst employees who have stagnated at a particular scale for many years without promotional avenues. It was held that there is no basis or justification for discriminating between Teachers and other employees. The Apex Court in para-4 held as under:

"4. The object of the Kramonnati Scheme must be noted, as this sheds light on its application. The Scheme was introduced to remove frustration among employees who had stagnated at a particular scale for many years without promotional avenues, with the endeavour of removing any adversity in their performance. Keeping this purpose in perspective, there is no basis or justification for discriminating between teachers and all other employees. The fact that the Madhya Pradesh Revision of Pay Rules were already in place at the time the Kramonnati Scheme was introduced indicates that the Appellants accepted that increase in pay scale are salutary and indeed important for educators on whose motivation and dedication the future of the country and of society is almost entirely dependent. We do not agree with the Appellants' submission that the Respondents are not entitled to claim the benefit of the Kramonnati Scheme because they were already covered under the Madhya Pradesh Revision of Pay Rules, as there is no basis for the two being mutually exclusive. Indeed, we find it logical that the application of the Madhya Pradesh Revision of Pay Rules regarding the eligibility of increased pay scales should be replaced by the Kramonnati Scheme, which is more generous in the benefits it provides. This is all the more so since the Appellants have themselves ordained that the said Scheme can be availed by the Respondents but from 1.8.2003, which we find to be arbitrary and devoid of any logical foundation."

[11]. Accordingly, the benefit of Kramonnati Scheme was extended to Teachers also. The Kramonnati benefit floated vide circular, dated 19.04.1999, has been extended to the petitioner also on completion of 12 & 24 years of service. This has been admitted by the respondents also in their return. Therefore, for purposes of grant of kramonnati benefit under circular, dated 19.04.1999, the petitioners have been treated at par with the Teachers.

[12]. By virtue of Clause 2 of circular, dated 25.10.2017 (Annexure P/8), the terms and conditions enumerated in circular, dated 19.04.1999, have been incorporated for purposes of grant of benefit of third Kramonnati benefit. Both these circulars have been issued by General Administration Department of State of Madhya Pradesh. Meaning thereby, the provision of third Kramonnati Vetanman, on completion of 30 years of service made vide circular, dated 25.10.2017, is in continuation with the earlier Kramonnati Scheme, dated 19.04.1999. The persons like petitioner working on the post of PTI have been given the benefit of first two Kramonnati pay-scales treating them at par with Teachers. Therefore, there is no justification for denying them the benefit of third Kramonnati Vetanman particularly when the purpose of granting this benefit is to avoid stagnation of the employees working for many years on particular post without any promotional avenues. As has been observed by the Apex Court in the case of **Mala Banerjee (supra)**, the discrimination meted out by the State Government is in violation of Article 14 of the Constitution of India.

[13]. This is not a case where the benefit of third Kramonnati vetanman has been given to Teachers and Assistant Teachers based upon

nature of their duties. The purpose of granting this benefit is to avoid stagnation. Therefore, the persons like petitioners cannot be discriminated from Teachers and Assistant Teachers as they also suffer stagnation for want of promotional avenues.

[14]. The respondents have also taken a stand in their return that the benefit of third Kramonnati Pay-scale is being given only to teaching staff and is not available to non-teaching staff. Therefore, it is to be examined as to whether the petitioners are doing teaching job or not?

[15]. In the case of **P.S. Ramamohana Rao Vs. A.P. Agricultural University & Anr.** reported in (1997) 8 SCC 350, the Apex Court was considering the definition of term 'teacher' as defined under Section 2(n) of Andhra Pradesh Agriculture University Act, 1963. The Apex Court held in para 9, 10 & 19 as under:

"9. From the aforesaid affidavit, it is clear that a Physical Director has multifarious duties. He not only arranges game and sports for the students every evening and looks after the procurement of sports material and the maintenance of the grounds out also arranges inter-class and inter-college tournaments and accompanies the students' team when they go for the inter-University tournaments. For that purpose it is one of his important duties to guide them about the rules of the various games and sports. It is well known that different games and sports have different rules and practices and unless the students are guided about the said rules and practices they will not be able to play the games and participate in the sports in a proper manner. Further, in our view, it is inherent in the duties of a Physical Director that he imparts to the students various skills and techniques of these games and sports. There are a large number of indoor and outdoor games in which the students have to be trained. Therefore, he has to teach them several skills and the techniques of these games apart from the rules applicable to these games.

10. Having regard to the above-said material before us, we are clearly of the view that the appellant comes within the definition of a teacher in sub-clause (n) of section 2 of the Act.

19. We are unable to agree. It may be that the Physical Director gives his guidance or teaching to the students only in the evenings after the regular classes are over. It may also be that the University has not prescribed in writing any theoretical and practical classes for the students so far as physical education is concerned. But as pointed by us earlier, among various duties of the Physical Director, expressly or otherwise, are included the duty to teach the skills of various games as well as their rules and practices. The said duties bring him clearly within the main part of the definition as a 'teacher'. We, therefore, do not accept the contention raised in the additional counter-affidavit of the University."

[16]. The Apex Court again considered similar issue in the case of **P.C. Modi Vs. Jawaharlal Nehru Vishwa Vidyalaya** reported in AIR 2024 SC 619 and has held that the persons working on the post of Sports Teacher/PTI are also imparting teaching nevertheless they may not be doing so within the classrooms. The Apex Court in para-8 held as under:

"8. Thus, it can be seen that the definition "teacher" is inclusive in nature and not just confined to a Professor, Associate Professor or Assistant Professor, as defined in Statute 32. When Section 2(n) of the A.P. Act is read in conjunction with Statute 32, the word "teacher" encompasses one who is enjoined to impart instructions and/or conduct and guide research and/or extension programmes. The definition being inclusive in nature would have to be read expansively and when read in the context of PTI/Sports Officer, it cannot be denied that the appellant while discharging his duties was required to impart instructions relating to the rules and practices adopted for various categories of sports. Besides that, the appellant was also required to impart different skill sets and playing techniques depending on the nature of the sport, for training the students. Merely because the appellant

as a PTI/Sports Officer was not expected to conduct classes within the four walls of the College, as in the case of a Professor/Associate Professor/Assistant Professor, would not by itself make him ineligible for being treated as a teacher for all practical purposes inasmuch as most sports require training in open spaces/fields/courts etc."

[17]. No doubt the Apex Court in the case of **P.S. Ramamohana Rao & P.C. Mody** (supra) was considering and interpreting the definition of 'teacher' as given in Andhra Pradesh Agricultural University Act, 1963, however, the reasons assigned for treating PTI/Sports Officer as teacher would apply to the facts of present case also. Therefore, the petitioner, who was working as PTI, is also required to be treated as Teacher.

[18]. The respondents have also raised an objection with regard to delay and laches on the part of the petitioner in approaching the Court. In this regard, it be seen that petitioner retired from service w.e.f. 31.10.2015. However, the provision for grant of third Kramonnati pay-scale is brought into force by the State Government only on 25.10.2017 but with effect from 01.07.2014. He thereafter approached the respondents for grant of benefit and when the same was not considered, he approached this Court by filing W.P. No.26038 of 2021 which came to be disposed of on 06.12.2021. Pursuant to the order passed by this Court, the impugned order was thereafter passed by the respondent authority on 02.03.2022, and immediately thereafter the present writ petition is filed. Thus, it cannot be said that there was total inaction on the part of the petitioner in ventilating his grievance before the Government Officials and before this Court. Furthermore, denial of benefit of higher pay-scale is a continuous cause of action and, therefore,

even if there is some delay on the part of petitioner, he cannot be denied the benefit of the higher pay-scale.

[19]. In view of the discussion made above, this Court is of the considered opinion that the petitioner, who was working as PTI, is required to be treated as teacher for purposes of grant of third Kramonnati pay-scale provided vide circular, dated 25.10.2017. The action of the respondents in denying him the aforesaid benefit is held to be violative of Article 14 of the Constitution of India. Accordingly, the order, dated 02.03.2022, (Annexure P/1) is quashed. The respondents are directed to confer the benefit of circular, dated 25.10.2017, to the petitioner.

[20]. The petitions are allowed and disposed of with the aforesaid direction.

(ASHISH SHROTI)
JUDGE

vpn/-