

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 25th OF NOVEMBER, 2022

WRIT PETITION NO. 25986 OF 2022

Between:-

**MAHESH S/O SHRI RAM CHARAN,
AGED 58 YEARS, OCCUPATION:
SERVICE R/O HAKIM SAHAB KA
BADA, CHANA KOTHAR,
KAMPOO, LASHKAR, GWALIOR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI B.P. SINGH- ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH
THROUGH THE PRINCIPAL
SECRETARY, PUBLIC WORKS
DEPARTMENT MANTRALAYA
VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. ENGINEER-IN-CHIEF PUBLIC
WORKS DEPARTMENT 27-28,
FIRST FLOOR NIRMAN BHAWAN
ARERA HILLS BHOPAL (MADHYA
PRADESH)**
- 3. CHIEF ENGINEER, PUBLIC
WORKS DEPARTMENT, (NORTH
ZONE), THATIPUR, MORAR**

4. **GWALIOR (MADHYA PRADESH)
EXECUTIVE ENGINEER, PUBLIC
WORKS DEPARTMENT DIVISION
NO. 1, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENTS

*(BY SHRI A.K. NIRANKARI- GOVERNMENT ADVOCATE FOR THE
STATE)*

*This petition coming on for hearing this day, the Court passed the
following:*

ORDER

This petition under Article 226 of the Constitution of India has been filed seeking following reliefs :-

- (i) That, a direction may kindly be given to the respondents to pay the minimum of pay in the graded pay scale of the post of Gangman to the petitioner from the date of his classification as held by the Hon'ble Supreme Court in the case of Ram Naresh Rawat.
- (ii) Any other relief, which this Hon'ble Court may deem fit and proper, may also be given to the petitioner.

It is submitted by the counsel for the petitioner that petitioner was employed as daily wages as Gangman in the respondents department. He was classified as permanent employee on the post of Gangman by order dated 31.12.2004. It is further submitted that now he has been declared as *Sthaikarmi*. However, in the light of judgment passed by Supreme Court in the case of **Ram Naresh Rawat Vs. Ashwini Ray** reported in **2017 (3) SCC 436**, the benefit of minimum of regular pay scale without increment

from the date of classification till extension of benefit of *Sthaikarmi* has not been paid and accordingly, it is submitted that the petitioner is entitled for the minimum of regular pay scale without increment for the aforementioned period.

Per contra, it is submitted by the counsel for the State that the petitioner is entitled for the minimum of the regular pay scale without increment from the date of his classification only.

Heard the learned counsel for the parties.

The petitioner was classified by order dated 31.12.2004. Accordingly, if the classification is intact and if he files a representation before the authorities for grant of minimum pay scale from 31.12.2004 till the benefit of *Sthaikarmi* is given to him, then the said representation shall be decided as early as possible preferably within a period of one month from the date of representation in the light of judgment passed in the case of **Ram Naresh Rawat (supra)**.

With the aforesaid direction, the petition is finally **disposed of**.

(G.S. AHLUWALIA)
JUDGE

(avi)