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

**BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA
ON THE 2nd OF DECEMBER, 2022
WRIT PETITION No. 27820 of 2022**

BETWEEN:-

**RAKESH SINGH S/O LATE SHRI ANURUDDHA SINGH,
AGED 57 YEARS, OCCUPATION: LABOUR, R/O ASHOK
VIHAR COLONY, T.V. TOWER KE NICHE, SHIVPURI
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI DEVESH SHARMA-ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH THROUGH THE
PRINCIPAL SECRETARY, PUBLIC WORK
DEPARTMENT, VALLABH BHAVAN, BHOPAL
(MADHYA PRADESH)**
- 2. ENGINEER-IN-CHIEF, PUBLIC WORKS
DEPARTMENT, 27-28 FIRST FLORE, NIRMAN
BHAWAN, ARERA HILLS, BHOPAL (MADHYA
PRADESH)**
- 3. CHIEF ENGINEER, CHIEF ENGINEER, PUBLIC
WORKS DEPARTMENT, NORTH ZONES,
THATIPUR, GWALIOR (MADHYA PRADESH)**
- 4. EXECUTIVE ENGINEER, EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, SAMBHAG,
SHIVPURI (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI SANJAY KUMAR SHARMA-GOVERNMENT ADVOCATE FOR 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 the following reliefs:-

7.1 That, a direction may kindly be given to the respondents to give the service benefit and minimum pay scale of the post of the permanent classified Labour from the date of his classification as permanent employee to the petitioner. And pay the arrears of salary on fixation of pay along with all consequence benefits with interest from the date of his Classification.

7.2 That, the respondents may further be directed to treat the petitioner at par with their similarly placed co-employees with seniority and consequential benefits on the post of Labour from the date of his Classification.

7.3 That, any other relief, which this Hon'ble Court may deem fit and proper may also be given to the petitioner along with costs.

It is submitted by the counsel for the petitioner that petitioner was employed as daily wages as Labour in the respondents department. He was classified as permanent employee on the post of Labour by order dated 12.04.2005. 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 12.04.2005. Accordingly, if

the classification is intact and if he files a representation before the authorities for grant of minimum pay scale from 12.04.2005 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

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