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WA-960-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE HIRDESH

ON THE 2nd OF MAY, 2025

WRIT APPEAL No. 960 of 2025

JAGDISH BATHAM

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Prem Singh Pal - Advocate for the petitioner.

Shri Vivek Khedkar - Additional Advocate General for the respondents/State.
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ORDER

Per. Justice Anand Pathak

The present Writ Appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 has been preferred by the appellant (petitioner) against the impugned order dated 25.02.2025 passed in Writ Petition No.5750/2006, whereby learned Writ Court dismissed the writ petition filed by the petitioner.

2. Precisely stated, facts of the case are that the petitioner was appointed as a Boatman on 26.02.1979 in the Forest Department in the pay scale of 125-150. Said pay scale of the petitioner was revised to 380-495 w.e.f. 01.04.1981 consequent upon the implementations of Choudhary Pay Commission. Vide order dt.20.1.1988 (Annexure P/2) passed by the Divisional Forest Officer, the post of Peon was converted into Forest Guard and the persons named in the said order were re-designated as Forest Guard



and were granted the pay scale of 750-940. Claiming the same pay scale, the petitioner submitted representation on the ground that the posts of Boatman and the Forest Guard were carrying the same pay scale since the date of their creation. Conservator of Forest Gwalior vide order dt.21.01.1999 issued directions to the Divisional Forest Officer Morena for grant of pay scale of untrained Forest Guard to the petitioner from the date of sending him for training and after successful completion of training, pay scale of trained Forest Guard be paid to him. Complying the said order, Divisional Forest Officer vide order dt.10.02.1999 (Annexure P/6) conferred the benefit on the petitioner. Petitioner again submitted representation claiming the pay scale of Forest Guard w.e.f. 1.4.1981. When no action was taken, petitioner filed the writ petition.

3. Learned Writ Court vide impugned order dismissed the writ petition on merits as well as on the ground of delay and laches.

4. It is the submission of learned counsel for the petitioner that he was appointed as a Boatman on 26.02.1979 and the said post was equivalent to that of a Forest Guard. Later on post of Peon was converted to the post of Forest Guard and various juniors to the petitioner were consequently granted a higher pay scale of 750–870–940. It is further submitted that petitioner underwent Forest Guard training and successfully completed the same. Pursuant to the order dt.21.01.1999, the benefit of pay scale was given but the said order was given effect to only from 16.07.1997, whereas the pay scale of Forest Guard ought to have been granted w.e.f. 01.04.1981, when similarly situated juniors received the benefit. It is further submitted that



since the petitioner had made various representations to the respondents over the years and the cause of action continued, therefore, there is no delay in approaching the Court. Hence, he prayed that the impugned order passed by the learned Writ Court be set aside and the pay scale of Forest Guard be granted to the petitioner w.e.f. 01.04.1981 with all consequential benefits.

5. Learned counsel for the State opposed the appeal and supported the reasoning given by the learned Single Judge and prayed for dismissal of the instant appeal.

6. Heard learned counsel for the parties and perused the record.

7. Bare perusal of the impugned order, it is clear that learned Single Judge rejected the claim on the ground that petitioner failed to substantiate his claim for grant of pay scale of Forest Guard w.e.f. 1.4.1981 so also on the ground of delay and laches. With regard to the first ground, it is relevant to mention here that vide order dt.20.01.1988, only the post of Peon was converted into the post of Forest Guard and pay scale of 750-940 was granted but nothing was said about the post of Boatman. Secondly, vide order dt.21.01.1999 (Annexure P/5), a direction was issued by the Conservator of Forest to the Divisional Forest Officer Morena to pay the pay scale of untrained Forest Guard to the petitioner from the date of sending him for training and after successful completion of training, he should be paid the pay scale of trained Forest Guard. In compliance of the said order, the petitioner was granted the benefit of pay scale and his pay was fixed w.e.f. 16.07.1997. There is no legal or factual basis for giving him said pay scale retrospectively w.e.f. 01.04.1981. As far as ground of delay is concerned,



certainly, the cause of action, if any, arose as back as in the year 1981 or in the year 1990 when the posts of Peon and Forest Guard were equated but the petitioner did not raise any grievance until 2006, when he approached the writ Court. Thus, the learned Writ Court has rightly dismissed the petition on the ground of delay also.

8. In view of the above discussion, we are of the view that the order passed by the learned Writ Court warrants no interference as the learned Single Judge has considered all the aspects of the matter and has rightly dismissed the petition on merits as well as on the ground of delay and laches. Thus, the writ appeal fails and is hereby **dismissed**, affirming the order passed by the learned Single Judge.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

SP