



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

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 23rd OF JULY, 2025

WRIT APPEAL No. 297 of 2007

STATE OF M.P. & 3 OTHERS AND OTHERS

Versus

ASHOK KUMAR TRIVEDI

.....
Appearance:

*Shri Sudeep Bhargava – Deputy Advocate General for the
appellants / State.*

Shri Prasanna R. Bhatnagar – Advocate for respondent.

.....
ORDER

Per: Justice Binod Kumar Dwivedi

This *intra* Court appeal under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 has been filed being aggrieved by the impugned order dated 25/01/2006 passed in Writ Petition No.6542/2003, whereby the petition filed by the respondent herein for grant of regular increment from the date of his initial appointment on *ad hoc* basis, has been allowed.



02. The case of the petitioner before the writ Court is that he was appointed as Lab Assistant on *ad hoc* basis as per the order dated 20/12/1984. The period of *ad hoc* appointment was extended from time to time and *vide* order dated 03/11/1987 services of the petitioner were regularized on the post of Lab Assistant in Government Boys Degree College, Rajgarh. Learned Writ Court after affording opportunity of hearing and also taking into consideration the circular No.4068/आउशि/अराज./स्था/93, Bhopal, dated 25/10/1993 has allowed the petition with a direction to pay regular increment to the petitioner for the *ad hoc* period and to take action of fixation of pay within a period of six months from the date of communciation of the order, which has given rise to this writ appeal.

03. Learned counsel for the appellants / State submits that the order passed by the learned Writ Court is erroneous as respondent has many breaks in the service for more than three days in his service carrer, therefore, as per the circular dated 25/10/1993 respondent was not not entitle for any benefit of the circular. Learned counsel further submits that in the case of **Dr. Ranjit Singh Sikarwar and Another Vs. State of M.P. and Others** [Writ Petition No.997 of 2001, order dated 04/07/2005] (Annex.-A/3) almost in identical factual matrix the writ petition was dismissed. On this premises, learned counsel prays for allowing the appeal and setting aside the order passed by the learned Writ



Court.

04. Learned counsel for the respondent submits that this writ appeal is based on misreading of the aforesaid circular dated 25/10/1993, wherein it is clearly mentioned that increment has to be granted for the *ad hoc* period excluding the period of breaks of more than three days including public holidays if found in continuation, therefore, learned counsel submits that writ appeal is misconceived and has no force, therefore, liable to be dismissed.

05. Heard and considered the submissions raised at bar by learned counsel for the parties and perused the record.

06. It is not in dispute that the respondent was appointed on *ad hoc* basis on the post of Lab Assistant on 20/12/1984 and was regularized thereafter. Circular dated 25/10/1993 is of utmost importance for grant of increments to the employees appointed on *ad hoc* basis, which runs as under:

“कार्यालय, आयुक्त, उच्च शिक्षा, मध्यप्रदेश शासन
सतपुड़ा भवन, भोपाल-462004

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क्रमांक 4068/आउशि/अराज.स्था/93, भोपाल, दिनांक 25.10.93
प्रति,
समस्त प्राचार्य,
शासकीय..... महाविद्यालय,
..... (म0प्र0)

विषय: तदर्थ रूप से नियुक्त/पदोन्नत शासकीय कर्मचारियों को वेतन वृद्धि देने के संबंध में।

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मध्यप्रदेश शासन, सामान्य प्रशासन विभाग के परिपत्र दिनांक



6/3-5/93/दिनांक 12.5.93 की प्रतियाँ इस कार्यालय के पृष्ठांकन क्रमांक 2499/आउशि/अराज.स्था/93, दिनांक 26.6.93 द्वारा समस्त क्षेत्रीय अतिरिक्त संचालकों, उच्च शिक्षा को पृष्ठांकित कर निर्देश दिए गए थे कि परिपत्र की प्रतियाँ अधिनस्थ प्राचार्यों को भेजने की व्यवस्था की जाए।

2/ मध्यप्रदेश शासन, सामान्य प्रशासन विभाग द्वारा जारी उक्त परिपत्रानुसार तदर्थ सेवा अवधि के लिए वेतन वृद्धि का लाभ दिया जाना है। अतः शासकीय महाविद्यालयों में कार्यरत उन नियमित तृतीय एवं चतुर्थ श्रेणी कर्मचारियों के प्रकरणों में प्राचार्य अपने स्तर पर वेतन वृद्धि का लाभ उस तदर्थ सेवा अवधि के लिए ही देंगे जिनकी नियमितकरण दिनांक से पूर्व की तदर्थ नियुक्ति एवं पूर्व नियुक्ति अथवा तदर्थ पूर्व नियुक्तियों के बीच ब्रेक की अवधि केवल 3 दिन है अथवा 3 दिन के ब्रेक की अवधि के पूर्व या बाद में सार्वजनिक अवकाश लगे हैं।

3/ उपरोक्तानुसार तदर्थ सेवा अवधि में वेतन वृद्धि का लाभ देते समय तदर्थ सेवा अवधि में ब्रेक के जिन दिवसों का भुगतान नहीं किया गया है उन ब्रेक के दिवसों का वेतन भुगतान की राशि का भुगतान नहीं किया जायेगा।

वेतन वृद्धि का लाभ देने को वरिष्ठता का आधार नहीं माना जाएगा।

(मोती सिंह)

आयुक्त, उच्च शिक्षा, मध्यप्रदेश

(Emphasis Supplied)

From the bare reading of the aforesaid circular, it is amply clear that circular has been issued for grant of increments to the employees appointed on *ad hoc* basis. Para 2 of the aforesaid circular explicitly mentions that Clause-2 and 3 employees, who have been regularized after their *ad hoc* appointment, are entitled for increment including the period of their *ad hoc* services. The only exception which can be carved out is that if break in service is for more than three days, then that period will be excluded, but the circular nowhere mentions



that in case of break in service, employee when regularized from *ad hoc* service to regular service will not be entitle for increment.

07. We are of the considered view that learned Single Judge has construing the circular in right perspective has applied ratio of the judgment delivered by the Tribunal (Main Seat at Jabalpur) in the case of **Dr. P. L. Malik Vs. State of M. P.** [T.A.No.1547/1988, dated 30/07/1990] and allowed the writ petition enlarging the relief claimed by the respondent before this Court.

08. No infirmity or illegality has been found in the aforesaid order, therefore, this writ appeal is devoid of any substance, fails and is hereby dismissed.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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