

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 4th OF SEPTEMBER, 2025

WRIT PETITION No. 1436 of 2022

RAJENDRA SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri L. C. Patne - Advocate for the petitioner.

Shri Romil Verma - G.A for the respondent/State.

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WITH

WRIT PETITION No. 1439 of 2022

MAHESH CHANDRA RAJORIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri L. C. Patne - Advocate for the petitioner.

Shri Romil Verma - G.A for the respondent/State.

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WRIT PETITION No. 1451 of 2022

RASOOL KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri L. C. Patne - Advocate for the petitioner.

Shri Romil Verma - G.A for the respondent/State.

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WRIT PETITION No. 1810 of 2022

OMPRAKASH SISODIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri L. C. Patne - Advocate for the petitioner.

Shri Romil Verma - G.A for the respondent/State.
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ORDER

Regard being had to the similitude of the facts and issues involved in the present case, the same are being disposed of by the common order.

For the sake of convenience, facts are noted from WP No.1436/2022.

The facts of the case are that the petitioner was initially appointed on daily wages basis(Collectorate) on the post of Peon w.e.f. 9.3.1998, by an order dated 1.6.1992 issued by Respondent No. 4 and, thereafter, the petitioner worked till 16.8.1994. in the year 2000, pursuant to a Policy Decision of the State Government for terminating the services of all such daily rated employees who were appointed after 31.12.1988, the services of the petitioner were also terminated. However, upon a Policy Decision being taken by the State Government, dated 21.1.2004 read with Circular dated 12.4.2004, 13.4.2004, 19.4.2004, the petitioner was reinstated back in service on the post of Chowkidar and was posted in ICDS, Tonkkhurd, District Dewas by an order dated 27.8.2004 issued by Respondent No. 3. When the case of the petitioner despite his eligibility, upon completion of 10 years of service was not been considered for regularization, on the post of Peon/Chowkidar, the petitioner alongwith other daily rated employees had approached this Court by filing W.P. No. 7901/2011 and this Court by

an order dated 1.10.2011 disposed of the aforesaid writ petition with a direction to consider the case of the petitioner for regularization in terms of the Circulars issued by the State Government in this regard, within a period of 6 months from the date of receipt of the certified copy of order. The Directorate of Women and Child Development, Bhopal in its letter dated 22.11.2011 addressed to Respondent No.4 directed to ensure compliance of the order passed by this in W.P. No. 7901/2011 at an early date. By treating the petitioner's services w.e.f. 9.3.1998, he was sanctioned a sum of Rs. 1500/- as additional allowance per month w.e.f. 30.5.2013, by an order dated 30.7.2013 issued by Respondent No.4, vide Sr. No. 6. The Respondent No. 4 by an order dated 9.12.2016 issued pursuant to Circular dated 7.10.2016 has conferred upon the petitioner status of "Sthayi Karmi" and sanctioned him pay scale of Rs. 4000-7000/- under unskilled category w.e.f. 1.9.2016. But while calculating the amount payable to the petitioner after fixation of his pay in the payscale of Rs. 4000-7000/-, the petitioner's services rendered by him w.e.f. 27.5.1992 to 16.8.1994 i.e. two years three months has not been considered. As a result of aforesaid in the matter of recording of wrong date of initial appointment, the petitioner is being paid less regular monthly salary right since 1.9.2016 till date after his classification as Sthayi Karmi. Being aggrieved by the conferral of Sthayi Karmi status instead of regularization of his services in regular establishment, the similarly situated persons has approached this Court again by filing a Writ Petition No. 1947/2017(S) and this Court disposed off the aforesaid writ petition in National Lok Adalat by order dated 8.4.2017 wherein the Respondents was

directed to consider the claim of the similarly situated persons within a period of 4 months from the date of communication of order. The petitioner brought the order passed by the Court to the notice of Respondents and the Respondent No.4 by a letter dated 28.11.2017 proposed regularization of the petitioner in regular establishment but again the date of appointment of the petitioner has been shown as 6.5.2004 and not 9.3.1998. The petitioner alongwith others submitted representations dated 6.6.2018 and 7.6.2018 addressed to Respondent No. 2 & 3 with a copy thereof to Respondent No.1& 2 making a request for regularization of his services but nothing was heard in the matter. The petitioner further submits that Respondent No. 3, vide his letter dated 14.12,2018 addressed to Respondent No. 2 requested for according its approval over the proposal of regularization of the petitioner on the post of Peon/Chowkidar in regular establishment citing also the available vacancies where the petitioner could easily be regularized. The Respondent No. 4, vide his letter dated 11.10.2021 again requested the Respondent No. 3 to give effect to the recommendations of a duly constituted District Level Screening Committee for regularization of the petitioner on the post of Peon/Chowkidar.

(VIJAY KUMAR SHUKLA)
JUDGE