



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

**BEFORE**

**HON'BLE SHRI JUSTICE VIVEK RUSIA  
&  
HON'BLE SHRI JUSTICE GAJENDRA SINGH**

**ON THE 1<sup>st</sup> OF AUGUST, 2025**

**REVIEW PETITION No. 1102 of 2025**

***MADHYA PRADESH AGRICULTURE MARKETING BOARD  
(MANDI BOARD), BHOPAL***

*Versus*

***TARKESHWAR YADAV AND OTHERS***

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**Appearance:**

*Shri Kushagra Singh alongwith Shri Aman Singh - Advocate for the petitioner.*

*Shri Amit Raj – Advocate for the respondent [CAVEAT].*

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**ORDER**

***Per: Justice Vivek Rusia***

The Madhya Pradesh Agriculture Marketing Board/ petitioner has filed this review petition under Order 47 Rule 1 r/w Section 151 of Code of Civil Procedure, 1908 seeking the review of order dated 08.05.2025 passed in W.A. No.1386/2025 solely on the ground that the appellant was not party in the W.P. No.21915/2017 decided by Coordinate Bench of this Court at Jabalpur, therefore, the writ appeal has wrongly been disposed of by placing reliance on the said order.

2. It is correct that in the aforesaid case this present appellant was not party but the respondent/writ petitioners placed reliance on the said order before the writ Court by filing an application that their case is similar to the case of those writ petitioners and the petition be disposed of by directing the respondents to consider and decide the case for regularization and on the basis of guidelines laid down by the Hon'ble



Supreme Court in the case of *Secretary, State of Karnataka v/s Uma Devi* reported in (2006) 4 SCC 1, therefore, the order is liable to be reviewed only to that extent that the appellant was not party in the said writ petition and had no reason to challenge the said order by way of writ appeal but the writ Court has rightly disposed of the writ petition by placing reliance on the order passed in the case of *Shri Gokul Chandra Roy and Others vs. State of M.P. and Others (W.P. No.21915/2017)*.

3. Learned counsel appearing for the petitioner submits that even on merit the case of these writ petitioners cannot be considered for regularization as it is the case of illegal appointment. In the case of *Uma Devi* (supra) the Apex Court has held that only irregular appointment can be regularized not an illegal appointment. The State Government issued a circular dated 16<sup>th</sup> May 2007 for regularization of only irregular appointment by constituting the committee not for daily wagers illegally appointed.

4. This review petitioner has filed a note-sheet as [Annexure P-3] by which the Chairman of Mandi Board and Dy. C.M., Govt. of M.P. sanctioned 26 posts of sub-engineer for *ad-hoc* appointment. The Chief Engineer of M.P. State Agriculture Marketing Board vide note-sheet dated 21.07.1995 requested for immediate appointment of 26 sub-engineers in 11 districts including headquarters. Accordingly vide order dated 22.07.1995, the appointments were made to the post of sub-engineer in the pay scale of Rs.1600-50-2300-60-2720, therefore, it cannot be said that appointments were not made against the vacant posts as 26 posts were created and the appointments were made, therefore, it is not an illegal appointment but at the most irregular appointments of the petitioners.

5. Vide order dated 18.06.1998, the services of these writ



petitioners were terminated in compliance of the decision taken on 16.04.1998 by the Marketing Board in its 61<sup>st</sup> Meeting. Thereafter, the petitioners approached this Court by way of W.P. No.856/1998 and vide order dated 09.07.1998 the writ petition was disposed of by passing the following directions:-

- “(1) That the services of the petitioners shall not be terminated till the regular selection process is over and the new incumbent takes charge.
- (2) The petitioners who are working as ad hoc employees would be permitted to take part in the said selection process. If by the time of selection process is started or is over, should any of the petitioner become over-age, then the respondent shall consider their cases for necessary relaxation under the relevant Rules.
- (3) If the petitioner/petitioners are selected then they would be given regular appointment, but in case anyone is not so selected, the ad hoc appointment shall stand terminated immediately.”

6. Thereafter, the Marketing Board/Appellant filed an L.P.A. No.333/1998 and vide order dated 09.02.2004, LPA was dismissed. These writ petitioners were taken back into the services, therefore, they are continuously working since 1995 and the case ought to have been considered under the circular dated 16.05.2007 for regularization.

7. Even before the issuance of circular dated 16.05.2007, the State Government issued directions to all the departments to regularize the services of the daily rated employee appointed prior to 31.12.1996 in compliance of circular dated 25.09.1996. The first circular was issued on 31.12.1988. For ready reference, relevant portion of circular dated 25.09.1996 is reproduced below.

“राज्य शासन द्वारा सामान्य प्रशासन विभाग के ज्ञापन क्रमांक 16-1188/1/ब0आ0प्र0/89, दिनांक 09.01.90 द्वारा दैनिक वेतन अथवा तदर्थ रूप से नियुक्त कर्मचारियों को नियमित करने के निर्देश दिये गये हैं। दैनिक वेतन भोगी कर्मचारियों के नियमितकरण में आ रही कठिनाईयों को दृष्टिगत रखते हुए ज्ञापन क्रमांक 564/एफ-5-7/1/वे0आ0प्र0/96, दिनांक 20 जून, 96 द्वारा पद रिक्ते न होने की स्थिति में अन्य विभागों में भी रिक्ति पदों के विरुद्ध दैनिक वेतन भोगी कर्मचारियों को नियमित करने के निर्देश दिये गये हैं। शासन के ध्यान में लाया गया है कि उपरोक्त निर्देशों के बावजूद भी दैनिक वेतन अथवा तदर्थ रूप से नियुक्त कर्मचारियों का नियमितकरण नहीं किया गया है। अतः राज्य शासन द्वारा विचारापरांत यह निर्णय लिया गया है कि दैनिक वेतन भोगी कर्मचारियों



के नियमानुसार नियमितीकरण हेतु जिलाध्यक्ष कार्यालयों में विशेष प्रकोष्ठ की स्थापना कर, विशेष अभियान चलाकर दैनिक वेतन भोगी कर्मचारियों के नियमितिकरण की कार्यवाही दिनांक 31.12.96 तक पूर्ण कर ली जाय। नियमितिकरण की प्रक्रिया संदर्भित ज्ञापन के अनुरूप होगी।”

8. The Marketing Board has been taking the services from these writ petitioners since 1995 treating them *ad-hoc* appointees. The writ petitioners approached by this Court by way of filing writ petition in the year 2014 seeking benefit of circular dated 16.05.2007 for regularization. The interim order was granted in their favor by staying the order dated 09.12.2014 by which they were directed to appear in the examination. The writ Court directed to keep the posts vacant for them. The writ petition remains pending for 10 years. The petitioner-Board only filed the reply without application for vacating stay, therefore, the now after more than 30 years appellant-Board cannot be permitted to take the plea that the appointment of writ petitioners is illegal and cannot be regularized.

9. The writ petition was disposed of only with the direction to decide their claim for regularization and we maintained the said order in the writ appeal but by filing this review petition, the respondent/petitioner has compelled us to make an observation on merit of the case of the writ petitioners.

10. In view of the aforesaid, the present review petition is **dismissed** with cost of **Rs.10,000/- (Rupees Ten Thousand only)** and the same be deposited in the account of the Madhya Pradesh State Legal Services Authority, Indore.

**(VIVEK RUSIA)**  
**JUDGE**

**(GAJENDRA SINGH)**  
**JUDGE**