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WP-5918-2009

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 30th OF JANUARY, 2025WRIT PETITION No. 5918 of 2009*RAJENDRA KUMAR BEHRE**Versus**PRINCIPAL SECRETARY STATE OF M.P. AND OTHERS*

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Appearance:

Shri Nilesh Kotecha - Advocate for the petitioner.

Shri Prabhanshu Shukla - Government Advocate for the respondents/State.
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ORDER

The present petition has been filed seeking the following reliefs :-

"(i) The Hon'ble Court be pleased to quash the memo issued by respondent No.1 on 09.03.2009 (Annexure P/21) denying the second higher pay scale for "Varg Aa" category under the new scheme of Time Scale Pay to the petitioner.

(ii) The Hon'ble Court be pleased to (a) command the respondents No.1 & 2 to grant the benefit of second higher pay scale under the Scheme of Time Scale Pay for "Varg Aa" having stating pay scale attached to the Class 1 post allowed and given to the petitioner in 1984-85 and (b) to command the respondent No.1 to consider the petitioner for proforma promotions prior to dates from which his juniors had been promoted."

2. Challenge is made to the order dated 09.03.2009 passed by Under Secretary to Government of M.P. Kisan Kalyan & Krishi Vikas Vibhag Mantralaya, Vallabh Bhawan, Bhopal whereby the claim of the petitioner for grant of second higher pay scale for 'Varg Aa' under the new scheme of Time Pay Scale by the Government of M.P. Kisan Kalyan & Krishi Vikas Vibhag has been denied.

3. The respondents have filed a detailed reply and has supported the



impugned order passed by the authorities.

4. From the record it is seen that the petitioner was initially appointed on the post of Assistant Agriculture Engineer on 31.12.1978. Thereafter he has been promoted to the post of Agriculture Engineer in the year 1987, on completion of 9 years of service as Assistant Agriculture Engineer. During the period between 1978-1992 two consecutive promotions are extended to the petitioner. It is incorrect to say that the junior to the petitioner has ever been promoted. As far as the claim of the petitioner for grant of higher pay scale is concerned, the petitioner has already received two promotions during this period. The very purpose of introduction of time pay scale scheme was to overcome the stagnation of promotion of an employee during service. The petitioner has already been promoted twice and was already in a higher pay scale, therefore, benefit of higher pay scale further cannot be extended to the petitioner. The said aspect was duly considered by the authorities considering the case of the petitioner as is reflected in the impugned order dated 09.03.2009 itself. A detailed and reasoned order was passed by the authorities while considering the claim of the petitioner and the same has been rejected. The reasons assigned by the authorities are as under :-

"3/ वित्त विभाग के परिपत्र दिनांक 24 जनवरी 2008 के साथ संलग्न परिशिष्ट-1 में वर्ग "ब" के लिये इस योजना के अंतर्गत देय उच्चतर वेतनमानों की सूची के अनुसार प्रारंभिक वेतनमान अर्थात् रुपये 8000-13500 के लिये प्रथम उच्चतर वेतनमान रुपये 10000-15200 एवं द्वितीय वेतनमान रुपये 12000-16500 दिया जाना निर्धारित है। आपकी प्रथम नियुक्ति दिनांक 5.12.78 को सहायक कृषि यंत्री के पद पर हुई थी जिसका वर्तमान वेतनमान रुपये 8000-13500 है तथा कृषि यंत्री के पद पर जिसका वर्तमान वेतनमान 10000-15200 है पर दिनांक 4 मई 1987 को पदोन्नति दी गई है। इसके पश्चात् संयुक्त संचालक कृषि अभियांत्रिकी जिसका वर्तमान वेतनमान 12000-16500 है के पद पर दिनांक 9.9.92 को आपको पदोन्नति प्राप्त हो चुकी है। इस प्रकार प्रारम्भिक वेतनमान 8000-13500/- वाले शासकीय सेवक के लिये द्वितीय उच्चतर वेतनमान रुपये 12000-16500 निर्धारित है। आपको दिनांक 1.4.2006 के पूर्व ही उच्चतर वेतनमानों का लाभ मिल चुका है।

4/ नर्मदा घाटी विकास प्राधिकरण में आपकी नियुक्ति नहीं की गई बल्कि आप विभाग से नर्मदा घाटी विकास प्राधिकरण में प्रतिनियुक्ति पर पदस्थ हैं। नर्मदा घाटी



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विकास प्राधिकरण पर होने के कारण ही विभाग द्वारा आपको पदोन्नति का भी लाभ दिया गया है। इस स्थिति में वित्त विभाग के निर्देश दिनांक 24.1.2008 अनुसार आपको समयमान वेतनमान पाने की पात्रता न होने के कारण आपके द्वारा प्रस्तुत आवेदन पूर्ण विचारोपरांत अमान्य किये जाते हैं।"

4. After going through the reasons which have been assigned by the authorities as well as the fact that the petitioner has already been extended the benefit of promotion twice, no relief can be extended to the petitioner.

5. The petition *sans* merit and is accordingly dismissed. No order as to costs.

(VISHAL MISHRA)
JUDGE

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