

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

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 31ST OF AUGUST, 2024

WRIT PETITION NO.19170 of 2017

SANTOSH KUMAR BALMIK

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Manoj Kumar Mishra – Advocate for the petitioner.

Shri Yash Soni – Dy. Advocate General for the respondents / State.

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WITH

WRIT PETITION NO. 29281 of 2021

NATHURAM BASOR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Manoj Kumar Mishra – Advocate for the petitioner.

Shri Yash Soni – Dy. Advocate General for the respondents / State.

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ORDER

Since the present petitions involved identical facts and there is similitude of grounds, they are being decided by this common order. For the sake of convenience facts are taken from WP No. 19170 of 2017.

2. WP No. 19070 of 2017 has been filed challenging the order (Annexure P-7) whereby the benefits of first, second and third Kramonnati to the petitioner have been modified and his pay has been re-fixed right from the year 1996 and recovery ordered as a consequence thereto. WP No. 29281/2021 has been filed challenging the impugned order (Annexure P-2) dated 30.03.2019.

3. On notices being issued respondents have filed reply and in the reply it is contended that the petitioner is a worked charge and contingency paid employee and he was erroneously given benefit of first, second and third time bound pay scale to which he was not entitled.

4. The learned counsel for the petitioner submits that identical issue was raised before the coordinate Bench of this Court in WP No.24247/2019 and after considering the entire legal aspect as developed in the matter from the case of **K.L. Asre Vs. State of M.P. & Ors.** (WP No. 1070/2003), decided on 07.11.2005 and **Tejula Yadav Vs. State of M.P. & Ors.** (WP No. 11507/2007) decided on 23.01.2009 the coordinate Bench has held that the employees even in the worked charged and contingency paid establishment are entitled to get benefits of Kramonnati / time bound pay scale. The coordinate Bench has held as under :-

“As per opposition, made by learned counsel appearing for the State the reasons for denying the benefits that he has worked under the Worked Charged and Contingency, in such circumstances, refusal to extend the benefits is illegal. Thus, the order dated 13.05.2019, (Ann.P-8), whereby recovery is directed to be made is illegal and accordingly the same is **quashed**. The authorities are directed to extend the benefit of first and second time Kramonnati to the petitioner, if there is no other legal impediment.

The aforesaid exercise be completed within a period of three months from the date of receipt of certified copy of this order.

The petition is **allowed.**”

5. Learned counsel for the State relied upon (Annexure R-1) issued by the State Government whereby the benefit of time bound pay scale has been allowed only 01.01.2016. However, the said objection has already been considered and discarded by the coordinate Bench in WP No. 24247/2011. Thus, the objection is discarded.

6. Consequently, by quashing the impugned order (Annexure P-7) dated 10.10.2017 passed in WP No. 19170 of 2017 and (Annexure P-2) dated 30.03.2019 passed in WP No. 29281 of 2021 these **petitions are allowed** in the similar terms and similar benefits shall be extended to the petitioners as held by this Court in WP No. 24247/2019 as quoted hereinabove. Let necessary action be taken within a period of 3 months from the date of production of certified copy of this order.

(VIVEK JAIN)
JUDGE