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

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 18th OF MARCH, 2024

WRIT PETITION No. 2905 of 2018

BETWEEN:-

**ABDUL SALAAM S/O LATE SHRI SHEIKH AMIR, AGED
ABOUT 57 YEARS, OCCUPATION: SERVICE AS
TIMEKEEPER RANI DURGAWATI WARD NO. 3 TEHSIL
PATHARIYA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI RAUNAK YADAV - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
SECRETARY DEPARTMENT OF PHE VALLABH
BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. STATE OF M.P. THROUGH SECRETARY
DEPARTMENT OF GENERAL ADMINISTRATION
VALLABH BHAWAN, BHOPAL (MADHYA
PRADESH)**
- 3. ENGINEER IN CHIEF PUBLIC HEALTH
ENGINEERING DEPARTMENT SATPURA BHAWAN
BHOPAL (MADHYA PRADESH)**
- 4. CHIEF ENGINEER PUBLIC HEALTH ENGINEERING
DEPARTMENT NEAR WATER TANK MORAR
GWALIOR (MADHYA PRADESH)**
- 5. EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DEPARTMENT DISTT. DAMOH
(MADHYA PRADESH)**

.....RESPONDENTS

(STATE BY SHRI DHEERAJ KUMAR TIWARI - PANEL LAWYER)

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

Petitioner has filed this writ petition claiming the benefit of the judgment passed in **Writ Petition No.2000/2015 (Kaluram Narwariya versus State of Madhya Pradesh & Others)** whereby the petitioners therein were granted imaginary pay scale in terms of Circular dated 7.10.2016 treating them to be unskilled labourer.

Learned counsel for the petitioner submits that infact the petitioner was permanently classified employees and his classification order was cancelled vide order dated 22.10.2011 passed by the Executive Engineer, Public Health Engineering Department, Damoh without following the due process.

The respondents have filed their additional reply and have admitted that no notice was given to the petitioner before passing of the order Annexure R/2 cancelling his order of permanent classification, therefore, the order Annexure R/2 cannot be given a seal of approval having been passed behind the back of the petitioner. It is hereby quashed. It is directed that the petitioner will be entitled to the benefit of the judgment of the Apex Court in **Ram Naresh Rawat versus Ashwani Ray & Others (2017) 3 SCC 436** to the minimum of pay scale on the post against which he was permanently classified alongwith admissible dearness relief as is made applicable from time to time including revision of pay as was effected by the State from time to time.

In above terms, this writ petition is disposed of.

(VIVEK AGARWAL)
JUDGE