

**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT JABALPUR**  
**BEFORE**  
**HON'BLE SHRI JUSTICE RAVI MALIMATH,**  
**CHIEF JUSTICE**  
**&**  
**HON'BLE SHRI JUSTICE PURUSHAINDR KUMAR KAURAV**  
**ON THE 23<sup>rd</sup> OF MARCH, 2022**  
**WRIT APPEAL No.1322 of 2019**

**Between:-**

**JAYCHAND RAHANGDALE S/O SHRI  
SHRIRAM RAHANGDALE, AGED  
ABOUT 60 YEARS, OCCUPATION-  
UNIVERSITY EMPLOYEE  
JAWAHARLAL NEHRU KRISHI  
VISHWAVIDHYALAYA, R/O NEW SHIV  
NAGAR, ADHARTAL, JABALPUR (M.P.).**

**.....APPELLANT**

**(BY SHRI N.S.RUPRAH - ADVOCATE)**

**AND**

- 1. JAWAHAR LAL NEHRU KRISHI  
VISHWAVIDHYALA ADHARTAL,  
JABALPUR (M.P.) THROUGH THE  
REGISTRAR.**
- 2. EXECUTIVE ENGINEER, JAWAHAR LAL  
NEHRU KRISHI VISHWAVIDHYALAYA,  
ADHARTAL, JABALPUR THROUGH H.O.D.**

**....RESPONDENTS**

**(BY SHRI PRAVEEN DUBEY - ADVOCATE)**

**AND**

**WRIT APPEAL No.1323 of 2019**

**Between:-**

**SABULAL SHARNAGAT S/O SHRI  
MANSHARAM SHARNAGAT AGED  
ABOUT 60 YEARS OCCUPATION  
CLASS IV EMPLOYEE (RETD.)  
JAWAHARLAL NEHRU KRISHI  
VISHWAVIDHYALAYA, RESIDENT OF I-  
34, KRISHI NAGAR COLONY,  
ADHARTAL, JABALPUR (M.P.).**

**.....APPELLANT**

**(BY SHRI N.S.RUPRAH - ADVOCATE)**

**AND**

- 1. JAWAHAR LAL NEHRU KRISHI  
VISHWAVIDHYALAYA ADHARTAL,  
JABALPUR (M.P.) THROUGH THE  
REGISTRAR.**
- 2. DEPARTMENT OF PLANT BREEDING &  
GENETICS AGRICULTURAL UNIVERSITY,  
JAWAHAR LAL NEHRU KRISHI  
VISHWAVIDHYALAYA, ADHARTAL,  
JABALPUR THROUGH H.O.D.**

**....RESPONDENTS**

**(BY SHRI PRAVEEN DUBEY - ADVOCATE)**

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*This appeal coming on for admission this day, Hon'ble Shri  
Justice Purushaindra Kumar Kaurav, passed the following:*

**ORDER**

Since both these appeals have arisen from common order dated 10.7.2019 passed by the learned Single Judge in W.P.No.7533-2019 and W.P.No.2803-2019, therefore, the same are being heard analogously and for the sake of convenience, the facts for consideration, are taken from W.A.No.1323-2019.

2. The case of the appellant-petitioner is that he was initially appointed as a daily wager in the services of the respondents in the year 1983. On 13.08.2018 (Annexure P-1), he was fixed in the pay scale of “Skilled workers” in the pay scale of Rs. 5000-100-8000/-. The appellant-petitioner claims to have been working in Class-IV category, therefore, as per University Regulations, he is entitled to serve upto the age of 62 years. However, vide order dated 04.01.2019 (Annexure P-2), he has been directed to be superannuated w.e.f. 28.02.2019 on completion of the age of 60 years. The appellant-petitioner, therefore, preferred a writ petition before this court seeking quashment of order dated 04.01.2019 with a further prayer to allow him to work upto the age of 62 years. The learned Single Judge did not find any substance in the submission made by the appellant-petitioner and, accordingly, the writ petition has been dismissed. Hence, the appellant-petitioner has preferred the instant writ appeal.

3. Learned counsel for the appellant-petitioner submits that the learned Single Judge has erred in not considering the document relied upon by the appellant-petitioner. He has taken us through the order dated 13.08.2018 (Annexure P-1), whereby, certain pay scales have been fixed w.e.f. August, 2018 on the terms and conditions mentioned therein. In the

list of “Skilled workers” his name finds place at S.No.59. According to him, as per Circular of the State Government dated 09.11.2012 (Annexure P-3) and 03.05.2017 (Annexure P-4), it is abundantly clear that the age of superannuation of Class-IV employee is 62 years. He also referred to the Rules, namely, Madhya Pradesh Dainik Vetan Bhogi Karamchhari (Seva Ki Sharthe) Niyam, 2013 (for short the “Rules of 2013”) to demonstrate that in exercise of powers conferred under the proviso to Article 309 of the Constitution, the State Government has framed statutory Rules which also recognize the age of superannuation of Class-IV employee, as 62 years.

4. Learned counsel for the respondents-University opposed the prayer. He submits that the services of the employees working in the University are governed by the Statute, namely, Jawahar Lal Nehru Krishi Vishwa Vidyalaya Adhinyam Statute of 1964 (for short the “Rules of 1964”) and Regulations, namely, Jawahar Lal Nehru Krishi Vishwa Vidyalaya Service (General Conditions of Service) Regulations, 1969 (for short the “Regulations of 1969”) framed in exercise of powers vested under the special Act, namely, Jawahar Lal Nehru Krishi Vishwa Vidyalaya Adinyam, 1963 (for short the “Adhinyam of 1963”). He submits that there is no dispute with regard to the fact that the age of superannuation of Class-IV employees as per Clause-4 of the Regulations of 1969, is 62 years. However, the said Regulations would be applicable to those employees who are holding the “post” defined in Regulation 2(f) of the Regulations of 1969. According to him, the “Post” means *whole time employment under Vishwa Vidyalaya but does not include any employment where the employee is paid from the contingencies*. Since the

appellant-petitioner has not been appointed against any sanctioned post of Class-IV category, therefore, the age of superannuation of such employees still remains as 60 years. Thus, the category of employees to which appellant-petitioner belong, are not entitled for the benefit which is available to those employees who are holding the “Post”. He further submitted that the order dated 13.08.2018 (Annexure P-1) would only show that he has been classified as “Sthai Karmi” under the category of “Skilled worker” on a particular pay scale. The same would not mean that he has given the “Post” of Class-IV employee. He submits that the learned Single Judge has not committed any error in dismissing the writ petition, hence no interference is called for.

5. We have heard the learned counsel for the parties and perused the record.

6. After going through the record, we find that the learned Single Judge has given a finding that the appellant-petitioner was not able to show any order regarding his appointment which confers him/them the status of Class-IV employment. We do not find any perversity in the said finding. The learned counsel for the appellant-petitioner is also not able to point out any document to that effect. The only document issued by the University, as referred by the appellant-petitioner, is the order dated 13.8.2018 (Annexure P-1) and, a bare perusal of the same nowhere suggests that the appellant-petitioner has been given the status of Class-IV employee. His status has been mentioned as “daily rated employee”. The circulars of the State Government are applicable only to the Class-IV employees. The services of Officers, Teachers, Class-IV employees, Non-Teaching service personnel of Class-I, II and III category are

governed by JNKVV Statute No.94, whereas, the services other than as mentioned in the Statute of 1964 are governed by Regulations of 1969. The definition of “Post” under Regulation 2(f) would mean whole time employment under the Vishwa Vidyalaya but does not include any employment where the employee is paid from the contingencies. The learned Single Judge has relied on Rule 4(a) of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 and held that the appellant is entitled to serve upto the age of 60 years.

7. Taking into consideration the overall facts and circumstances of the case and the fact that there is no document to show that the appellant-petitioner has ever been appointed or conferred the status of Class-IV employee against the “Post”, we do not find any merit in the instant writ appeal. Accordingly, the writ appeals are dismissed.

**(RAVI MALIMATH)**  
**CHIEF JUSTICE**

**(PURUSHAINDR KUMAR KAURAV)**  
**JUDGE**

MKL.