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WA-1740-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 8th OF JANUARY, 2026

WRIT APPEAL No. 1740 of 2023

RAMJI PRASAD TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Bhole Nath Sharma - Advocate for Appellant.

Dr. S.S. Chauhan - Government Advocate for Respondents/State.

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ORDER

Per: Hon'ble Shri Justice Vinay Saraf

1. By taking exception to the order dated 11.07.2023, whereby the writ petition preferred by the appellant has been dismissed by the learned Single Judge in Writ Petition No.13237 of 2016, the appellant has preferred instant intra court appeal under Section 2(1) of Madhya Pradesh Uchha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005.

2. Heard Shri Bhole Nath Sharma, Advocate on the question of admission.

3. Short facts of the case are that the appellant was working on the post of LDT and he was suspended due to some allegations and during this period, his junior was promoted to the post of UDT by order dated 06.12.1966. Thereafter, the appellant made several representations for giving him promotion w.e.f. 06.12.1966 and by order dated 23.11.1996, he was given promotion to the post of UDT however, it was mentioned in the promotion order that promotion shall be on



the basis of "No Work No Pay". The promotion order dated 23.11.1996 was never challenged by the appellant and after attaining superannuation, for the first time, the appellant preferred WP No.7861 of 2009 contending that his retiral pensionary claim has not been settled. The petition was disposed of by order dated 19.07.2012 directing the Joint Director, Treasury and Accounts, Jabalpur to ensure the payment of pension and all other dues. The order was not complied with, therefore, the appellant preferred a contempt petition and during the pendency of contempt petition, the respondent fixed the seniority of appellant and also extended some monetary benefits and accordingly, the contempt proceedings were dropped. Thereafter, for the first time, the appellant claimed that he was entitled for consequential benefits on account of his promotion w.e.f. 06.01.1967 till 18.01.1988 from when he was already extended the consequential benefits.

4. Learned Single Judge declined to grant the relief to the appellant on the ground firstly that in the promotion order dated 23.11.1996 condition of "No Work No Pay" was mentioned and the appellant never challenged that order during his service or thereafter. Secondly, the relief was declined on the ground of delay as the appellant superannuated in the year 2001, but he approached this Court for the first time in 2009 i.e. after 8 years of his retirement and 13 years of promotion.

5. In view of learned Single Judge, the cause of action is not recurring in nature and, therefore, the appellant is not entitled for any relief due to inordinate delay and latches.

6. Learned counsel for appellant submits that the appellant filed WP No.786 of 2009, which was disposed of by order dated 09.07.2012 and, thereafter, he preferred Contempt Petition No.858 of 2013, wherein it was intimated to the Court that in compliance of order dated 09.07.2012, the monetary benefits has been extended to the appellant from 1988 and, therefore, the cause of action arose



for the first time to the appellant to file the second petition seeking the monetary benefits w.e.f. 06.01.1967. He further submits that the learned Single Judge has erred in dismissing the petition on the ground of delay. He prays for setting aside the impugned order and issuance of direction to respondent to extend the consequential monetary benefits to the petitioner w.e.f. 06.01.1967 to 18.01.1988.

7. After perusal of record, it is evident that some other adversely affected incumbents approached the High Court and directions were issued in their cases and in compliance of the directions issued in their cases, the appellant was given the promotion to the post of UDT by order dated 23.11.1996. In the promotion order, the condition was specifically mentioned that no monetary benefits will be extended to the appellant on the basis of "No Work No Pay". The appellant enjoyed the fruits of the promotion order till his superannuation and never challenged the condition mentioned in the promotion order. When the pensionary claims of the appellant were not settled, he preferred WP No.7861 of 2009, even at that time, no direction was issued to extend the monetary benefits to the appellant from 06.01.1967 and in compliance of order dated 19.07.2012 during the pendency of contempt petition, the respondent fixed the seniority of the appellant, extend some monetary benefits w.e.f. 18.01.1988 and fixed the pension of the appellant. Thereafter, the appellant has preferred the second writ petition claiming the consequential monetary benefits w.e.f. 06.01.1967 to 18.1.1988.

8. Appellants junior was promoted to the post of UDT by order dated 06.12.1966. By order dated 23.11.1996, Appellant was given promotion to the post of UDT. The promotion order mentioned that promotion shall be on the basis of "No Work No Pay". Appellant accepted the same and continued till his superannuation in 2001. No challenge was made by the Petitioner even thereafter



till 2009, when the first WP No. 7861 of 2009 was filed.

9. We are in full agreement with the findings recorded by learned Single Judge that as the appellant did not challenge the condition of the promotion order dated 23.11.1996 till his superannuation in 2001 and first petition was preferred by him after 7 years of his retirement, thus he is precluded from challenging the same and due to delay and latches, no relief can be granted to the appellant. The findings recorded by learned Single Judge are based on due appreciation of facts and circumstances of the case. We find no illegality or infirmity in the order passed by learned Single Judge. The impugned order appears to be just and proper. Resultantly, the admission is declined.

10. Consequently, the Writ Appeal is dismissed in limine. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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