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WA-2780-2025

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. 2780 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

*RAM KUMAR SHARMA (DECEASED) THROUGH LRS USHA
SHARMA AND OTHERS*

.....
Appearance:

Shri Bramhadatt Singh - Additional Advocate General for the
appellants/State.
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ORDER

Per. Hon'ble Shri Justice Vinay Saraf

Instant intra-court appeal is preferred by the State being aggrieved by the order dated 20.03.2024 passed by learned Single Judge in Writ Petition No.5955/2009; whereby the writ petition preferred by the respondent was allowed.

2 . Along with the writ appeal, I.A.No.18491/2025 is filed for condonation of delay of 458 days occurred in filing the instant appeal.

3. Short facts of the case are that respondent Ram Kumar Sharma filed a writ petition under Article 226 of Constitution of India seeking direction to the State of Madhya Pradesh to fix the salary as well as the pensionary benefits by extending the benefit of 2 time scale financial upgradation



(*Kramonnati*) with consequential benefits and interest. The respondent was appointed as Constable in Special Armed Forces on 06.11.1966. An option was given to the Constables to appear in written examination for the post of Male Nurse in Police Hospital and the respondent opted for appearance in written examination and was successful in the examination conducted by the Department of Police on the post of Male Nurse. Thereafter, he executed an agreement and was appointed as Male Nurse on 06.08.1973. There was no channel of promotion on the post of Male Nurse. Vide notification dated 17.03.1999 the State Government introduced the *Kramonnati* Scheme for those employees, who have not been given the benefit of promotion within first 12 years of their service and thereafter within further 12 years from the date of completion of first 12 years. Meaning thereby, if the employee has not been extended the benefit of promotion or financial upgradation, he would be entitled for first *Kramonnati* after 12 years and second *Kramonnati* after 24 years. The respondent was appointed on the post of Male Nurse and there was no promotion, therefore, he claimed the benefit of *Kramonnati*. By order dated 20.06.2000, the respondent was extended the *Kramonnati*, however, he was entitled for 2 *Kramonnati* and therefore after submitting the request letters, representations, he preferred the subject writ petition before this Court.

4 . Heard Shri Bramhadatt Singh, Additional Advocate General on I.A.No.18491/2025 as well as on the question of admission.

5. The prayer of the respondent for grant of second *Kramonnati* was declined by the department on the ground that first *Kramonnati* was extended



to him on 01.01.1986. When the learned writ court by order dated 24.01.2024 directed the Superintendent of Police, Chhindwara to file his personal affidavit to bring on record as to under which policy or circular, the respondent was granted the benefit of *Kramonnati* w.e.f. 01.01.1986. An affidavit dated 29.01.2024 was filed by the Superintendent of Police, Chhindwara, wherein he had admitted that there was no such policy or circular in force on 01.01.1986 and therefore by mistake an entry/endorsement for grant of time scale benefit w.e.f. 01.01.1986 was made in the service book of the respondent.

6. Considering the same, learned Single Judge directed to extend the benefit of first and second *Kramonnati* from due date to the petitioner along with arrears and consequential benefits and interest @ 8% per annum from the date when the respondent became entitled till the date of actual payment and the petition was allowed with costs.

7. So far as the merits of the case are concerned, it is not in dispute that the respondent was entitled for 2 time scale financial upgradation and was extended only one, as admitted by the Superintendent of Police in his affidavit, therefore, we are in full agreement with the findings recorded by the learned Single Judge that the respondent is entitled for 2 *Kramonnati* and the order passed by the learned Single Judge is just and proper.

8. I.A.No.18491/2025 is filed for condonation of delay of 458 days, however, in the application no sufficient reason has been assigned. The impugned order was passed on 20.03.2024 and as per the application, the same was communicated to the Police Headquarters vide letter dated



10.04.2024 and some informations were sought by the Police Headquarters from the office of Superintendent of Police, Seoni, which were supplied on 06.07.2024 and thereafter the file was forwarded to the office of Under Secretary of the Home Department on 21.08.2024. Certain queries were raised by the Home Department by letter dated 12.12.2024, which were communicated on 28.01.2025 and due to the certain intra-departmental communications, the appeal could not be filed earlier. The reasons assigned by the appellants in the application are not sufficient. It is not explained that when the request was made to the Under Secretary of Home Department on 28.01.2025 why the department took time to respond by letter dated 03.04.2025 and thereafter the appellant took 5 months time to file the appeal and no explanation has been given for the aforesaid period. Delay is sought to be explained merely by contending that the file moved from one department to another, which in itself is not sufficient.

9. Considering the same, no ground to condone the delay is made out. The appellant has failed to explain the delay. We are not satisfied with the reasons assigned in the application. The officers of Police Department and Home Department did not act diligently. The matter pertains to a retired employee, who for several years has been litigating for recovery of his dues.

10. We do not find any reason to condone the delay. Resultantly, the application (I.A.No.18491/2025) is dismissed.

11. Consequently, the appeal is dismissed, as barred by limitation. No order as to costs.



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(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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