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WP-31040-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 14th OF AUGUST, 2025WRIT PETITION No. 31040 of 2025***DHANNU MUNNA RAJAK AND OTHERS****Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

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Appearance:

Shri Sunil Kumar Tiwari - Advocate for the petitioner.

Shri Girish Kekre - Govt. Advocate for State.

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ORDER

This petition is filed seeking the following reliefs :-

"(i) That this Hon'ble Court may kindly be pleased to call relevant records pertaining to the impugned order from respondent department for its kind perusal.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondents to consider the representations dated 26-12-2024, 12-05-2024 and 16-05-2025 (P/7) and extend the similar benefit as passed in order dated 16-10-2024 and pay the amount of arrears w.e.f. date of entitlement, including benefit of increment also.

(iii) Any other relief/order or direction, as this Hon'ble Court deems fit looking to the facts and circumstances of the case may kindly also be awarded in the interest of justice.

2) The counsel appearing for the State has brought to the notice of this Court an order dated 18.12.2024, passed by the Coordinate Bench of this Court in the case of **Chetan Lal Gupta and others vs. The State of Madhya Pradesh and others** in Writ Petition No.39586 of 2024 and it is submitted that



the relief claimed by the petitioners cannot be extended to them in view of the aforesaid order. The petitioners have already been extended the benefit of the policy dated 07.10.2016 introduced by the State Government wherein three categories have been formulated and respective pay scales have been granted against those categories. The petitioners have chosen to get the benefit of the policy dated 07.10.2016. Under these circumstances, the pay scale for which they have been extended the benefit of policy dated 07.10.2016 is to be extended to the petitioners. The petitioners cannot claim the benefit of minimum pay scale in view of the law laid down in the case of **Ram Naresh Rawat vs. Ashwini Devi and others** reported in (2017) 3 SCC 436 after extension of benefits of policy dated 07.10.2016, but so far as claim of the petitioners with respect to grant of arrears from the date of classification till the date when the benefit of policy dated 07.10.2016 was extended to them, is concerned, the petitioners are duly entitled in view of judgment passed in the case of **Ram Naresh Rawat** (supra).

3) The Coordinate Bench of this Court in the case of **Chetan Lal Gupta** (supra) has considered the aforesaid proposition and has held as under:-

" . . . Although the government has issued a policy dated 07.10.2016 in which those daily wagers have been considered for classification as permanent employees and categorised in different categories as skilled, semi-skilled and unskilled, and different pay-scales have been provided to them in their respective categories. The scheme was formulated by the government for daily wagers, who for some reason could not be regularised pursuant to the direction issued by the Supreme Court in the case of Secretary, State of Karnataka and others v. Uma Devi and others (2006) 4 SCC 1 and therefore to grant them benefit, the scheme was introduced. Although, it appears that the petitioners from the date of categorisation on their respective categories, considering their



nature of work became entitled to get the minimum of the pay-scale of the post on which they were performing the duties alike those classified as permanent employees but this misconception has no standing. Although, certain orders have been passed by the coordinate bench directing to grant the employees the benefit of minimum of scale relying upon the law laid down by the High Court in the case of Chandra Bhushan Prasad Dwivedi v. The State of Madhya Pradesh passed in W.P.No.12210/2017 on 17.08.2017 and also relying upon the case of Ram Naresh Rawat (supra). Indeed, what were the documents available before the court, are not known to this court but with the available documents, it is clear that the petitioners have been classified as permanent employees under the Scheme dated 07.10.2016 and as such they became entitled to get pay-scale of respective categories under which they have been classified but earlier order dated 20.06.2011 does not provide them any entitlement to claim arrears of minimum of scale. Even in the case of Chandra Bhushan Prasad Dwivedi (supra) and also in the case of Ram Naresh Rawat (supra), it is clear that the employees were classified as permanent employees and therefore the benefit was granted to them to get the minimum of the scale. The categorisation of the employees under the specific category is only for the purpose to claim wages prevailing at the relevant point of time of the said category, but not the scale of the post on which they were working. Ergo, in the considered opinion of this court, this petition is misconceived and the claim raised by the petitioners is not sustainable. Albeit, it is clarified that the petitioners will be entitled to get the benefit of scheme dated 07.10.2016 and the order dated 31.12.2016 (Annexure-P/2) and they can also be granted the benefit of VII Pay Commission, for which, they can raise their claim before the authority and if that is so done, the authority shall consider and pass an order as per their entitlement.

Petition stands disposed of."

4) Under these circumstances, the petition is disposed of with a direction to the petitioners to file individual separate comprehensive representations to the respondent No.3 regarding their claims with respect to arrears of classified employees within a period of 10 days from today and in case such representations are filed, the respondent No.2/Engineer-in-Chief,



WRD, Bhopal is directed to dwell upon the same and pass a self contained speaking order in accordance with law and communicate the outcome to the petitioners within a period of 90 days from the date of receipt of such representations. The authorities are at liberty to examine that the the classification order of the petitioners. They are also at liberty to examine that whether this order is still intact or not. If the petitioners are found entitled for the benefits as claimed by them, the aforesaid benefits be also extended to them within the aforesaid period. No order as to costs.

(MANINDER S. BHATTI)
JUDGE

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