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

**BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK**

ON THE 16th OF JANUARY, 2024

WRIT PETITION No. 31862 of 2023

BETWEEN:-

**CHIMMAN LAL S/O LATE SHRI GAURI SHANKAR, AGED
ABOUT 50 YEARS, OCCUPATION: WARD BOY POSTED
AT GOVERNMENT DISPENSARY DULLPUR GWALIOR
R/O PANCHSHEL NAGAR, BEHIND MELA GROUND
GWALIOR MP. (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ALOK KATARE - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY DEPARTMENT OF HEALTH
SERVICES, GOVT. OF M.P. MANTRALAYA
VALLABH BHAWAN, BHOPAL(M.P.) (MADHYA
PRADESH)**
- 2. THE COMMISSIONER DIRECTORATE OF HEALTH
SERVICES 6TH FLOOR, SATPURA BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 3. CHIEF MEDICAL AND HEALTH OFFICER
GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI N.S.TOMAR - GOVERNMENT ADVOCATE)

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

ORDER

The present petition is preferred under Article 226 of the Constitution
seeking following reliefs:-

(i) That, the present petition filed by the petitioner

may kindly be allowed.

(ii) That, the respondent be directed to grant the benefit of seniority and regular pay-scale and other benefit including difference of pay of the post of ward boy to the petitioner from the date of initial appointment as has been done in case of Arun Thakur by the order Annexure P/6.

(iii) That, any other just, suitable and proper relief, which this Hon'ble Court deems fit, may also kindly be granted to the petitioner. Costs be also awarded in favour of the petitioner.

2. Grievance of the petitioner is that petitioner was appointed as a Sweeper in department of Health and Family Welfare on 26.09.1996 and got confirmed as Ward Boy on 21.11.2017. He is seeking seniority for the period, he performed his duties as temporary employee. In other words, he is seeking pay scale from the date of initial appointment as directed by this Court in the case of **Arun Thakur Vs. State of M.P. and others** passed in W.P.No.5535/2011 vide order dated 25.04.2016. He refers the order dated 26.06.2019 (Annexure P-6) passed by CMHO Gwalior whereby said benefits have been granted to then petitioner -Arun Thakur (supra). He seeks similar treatment.

3. Learned counsel for the respondents/State opposed the prayer. However, fairly submits that if the case of the petitioner falls within the parameters of the case of Arun Thakur and other similarly placed employees then said benefit shall be awarded to the petitioner. Else reasoned order shall be passed under due intimation to the petitioner for rejection of the case.

4. Heard the counsel for the parties and perused the documents appended thereto.

5. Considering the submissions, this petition is disposed of with direction

to the respondents to consider the case in light of facts of the present case and parity sought by the petitioner *viz-a-viz* case of Arun Thakur and if he is entitled to get the benefit then said benefit shall be awarded to him within two months from the date of submission of representation alongwith certified copy of the order and if case is different and petitioner does not deserve relief as claimed then reasoned order shall be passed under due intimation to the petitioner so that he can know the fate at the earliest and challenge it accordingly.

6. Petition stands disposed of with aforesaid direction.

Ashish*

ASHISH
CHAURASI
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(ANAND PATHAK)
JUDGE