# IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

**BEFORE**

**HON'BLE SHRI JUSTICE VIVEK AGARWAL**

**ON THE 30th OF JANUARY, 2024**

**WRIT PETITION No. 6399 of 2012**

**BETWEEN:-**

**MANIKLAL PATELS S/O SHRI RAMBADAN PATEL, AGED ABOUT 47 YEARS, MRI 34 VETENARY COLONY JAHANGIRABAD (MADHYA PRADESH)**

**.....PETITIONER**

***(BY SHRI MANOJ KUMAR CHANSORIYA - ADVOCATE)***

**AND**

1. **THE STATE OF MADHYA PRADESH THR THE PRINCIPAL SECRETARY ANIMAL HUSBANDRY & VETENARY SERVICE DEPARTMENT VALLABH BHAWAN (MADHYA PRADESH)**

2. **DIRECTOR ANIMAL HUSBANDARY & VETERNARY SERVICE DEPTT. (MADHYA PRADESH)**

3. **DEPUTY DIRECTOR ANIMAL HUSBANDARY & VETENARY SERVICE (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI PRANAY SHUKLA - PANEL LAWYER)***

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

**ORDER**

Petitioner's grievance is that vide order dated 07.03.1991, the petitioner who was working as daily wager was regularised against the sanctioned class IV post in the pay scale of Rs. 750-12-870-15-945/- after scrutinsing his case in the hands of scrutiny committee, in terms of GAD circular dated 09.01.1990.

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After 18 years, service conditions of the petitioner are changed by passing the order Annexure P-2 whereby the petitioner is shown as employee of work charged contingency paid establishment and his date of regularisation is shown to be 27.06.2009.

Shri Pranay Shukla, learned Panel Lawyer for the State is not in a position to show from Annexure P-1 that the petitioner was ever appointed in work charged or contingency paid establishment. There is no application of mind while passing order Annexure P-2 dated 27.06.2009. Respondents have not produced any record to substantiate their claim. Contention of the petitioner is that earn leaves were also sanctioned to the petitioner as is admissible to regular employees under the MP Civil Services Leaves Rules and, therefore, contention of the State that the petitioner was being paid from the contingency fund, is not made out. When the appointment was in regular establishment as is evident from Annexure P-1 then there was no occasion for the respondents to again regularise him, causing loss of the pensionary benefits to the petitioner. Order Annexure P-2 being cryptic and illegal is hereby set aside. Petitioner was since regularised since 1991 he will be entitled to all the benefits of regularisation as accrued in his favour from 1991 till the date of his superannuation and all consequential benefits will follow.

Accordingly, the petition is allowed and disposed of. The respondents/State shall also bear cost of this litigation which is quantified at Rs.10,000/- (Rupees Ten Thousand only).

**(VIVEK AGARWAL)**
**JUDGE**

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