

मध्यप्रदेश शासन
लोक स्वास्थ्य यांत्रिकी विभाग
मंत्रालय
//आदेश//

भोपाल, दिनांक 16-3-16

क्रमांक एफ 16-46/2015/1/34,:: सिविल संहिता 1908 (अधिनियम संख्याक-3) के आदेश 27 के नियम 01 तथा 02 अधीन प्रदत्त शक्तियों को प्रयोग में लाते हुए एस.एल.पी. (सिविल)सी.सी. क्रमांक 20399/2015 म0प्र0शासन व अन्य विरुद्ध बाबूलाल गेहलोत में पारित आदेश दिनांक 23.11.2015 के विरुद्ध मा0 सर्वोच्च न्यायालय में रिव्यू पिटीशन दायर करने हेतु कार्यपालन यंत्री, लोक स्वास्थ्य यांत्रिकी खंड धार को प्रभारी अधिकारी के रूप में अभिवचनो पर हस्ताक्षर करने और उसे सत्यापित करने के लिए कार्य करने, आवेदन करने और उपसंजात होने के लिए नियुक्त करते हैं। प्रभारी अधिकारी को यह आदेश दिया जाता है कि मध्यप्रदेश विधि और विधायी कार्य विभाग नियमावली में वर्णित कर्तव्यों तथा उत्तरदायित्वों के अतिरिक्त वह अपनी नियुक्ति के तुरंत पश्चात् अपनी बातों के साथ-साथ ऐसी रीति में, जिसके ब्यौरे नीचे दिये गये हैं, निम्नलिखित कार्य करेंगा:-

- (1) प्रभारी अधिकारी मामलों के तथ्यों के बारे में तुरंत जांच करेगा, जिसकी आवश्यकता हो और याचिका में उठाये गये समस्त बिन्दुओं पर पैरा अनुसार उत्तर देते हुए, और ऐसी अतिरिक्त जानकारी देते हुए, जिनमें कि मामलों के संचालन में महाधिवक्ता/शासकीय अधिवक्ता की सहायता पहुंचाने की संभावना है, रिपोर्ट तैयार करेगा। यदि किसी प्रकरण पर विधि विभाग से परामर्श किया गया था तो उस विभाग की राय भी रिपोर्ट से विनिर्दिष्ट रूप से की जावेगी।
- (2) समस्त सुसंगत फाईल, दस्तावेज नियम, अधिसूचनाओं तथा आदेश एकत्रित करेगा।
- (3) वाद पत्र/याचिका में उठाये गये सभी बिन्दुओं पर पैरा अनुसार उत्तर देते हुए और ऐसी अतिरिक्त जानकारी देते हुए, जिससे कि शासकीय अभिभाषक को सहायता पहुंचाने की संभावना है, रिपोर्ट तैयार करेगा।
- (4) शासकीय अधिवक्ता की सहायता से लिखित कथन / उत्तर तैयार करवायेगा।
- (5) उक्त रिपोर्ट तथा सामग्री के साथ शासकीय अधिवक्ता से संपर्क करेगा।
- (6) प्रभारी अधिकारी निम्नलिखित कागज पत्र भेजेगा:-
 - क- वाद पत्र की एक प्रति के साथ सरकार की एक रिपोर्ट।
 - ख- प्रस्तावित लिखित कथन का एक प्रारूप।
 - ग- उन सभी दस्तावेजों की एक सूची जिन्हें साक्ष्य स्वरूप फाईन करना प्रस्तावित है, जिनकी प्रस्तुत रिपोर्ट में अपेक्षा की गई।
 - घ- मामलों के विशुद्धिकरण के लिए आवश्यक कागज पत्रों की प्रतियां, जिसमें वाद पत्र की सुनवाई तारीख भी वर्णित होना चाहिए।



ITEM NO. 31

COURT NO. 8

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

285104

Petition(s) for Special Leave to Appeal (C).....CC No(s).
20399/2015

(Arising out of impugned final judgment and order dated 18/03/2015
in WA No. 102/2015 passed by the High Court of M.P. at Indore)

STATE OF M.P AND ORS.

Petitioner(s)

VERSUS

BABULAL GAHLOT

Respondent(s)

(with appln. (s) for c/delay in filing SLP and office report)

Date : 23/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S.A. BOBDE

Certified to be true copy

Assistant Registrar (Civil)

For Petitioner(s) Mr. Naveen Sharma, Adv.
Ms. Swati B. Sharma, Adv.
Mr. Arjun Garg, AOR

14/11/2015
COURT OF INDIA

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The special leave petition is dismissed.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER

Signature valid

Digitally signed by
Sanjay Kumar-I
Date: 2015.11.23
15:31:23
Reason:

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ARJUN GARG
ADVOCATE- ON-RECORD
SUPREME COURT OF INDIA

H-35, Lower Ground Floor,
Jangpura Extension,
New Delhi-14

(M) : +91 - 9971796913
(O) : 011-43516615 / 43583888
E-Mail : garg.arjun1@gmail.com

BY POST / EMAIL

05.01.2016

To,

Executive Engineer,
Department of Public Health Engineering,
Dhar Division
Dhar, Madhya Pradesh

Sub: Special Leave Petition (c) CC No. 20399 of 2015 - in the matter of State of M.P. Vs. Babulal Gehlot

Ref: Your letter No. 6095 dated 30.12.2015 (recd by email on 30.12.2015 and by post on 5.1.2016)

Sir,

1. Kindly refer to the aforesaid letter whereby you have sought my opinion on further course of action in the captioned matter. The captioned Special Leave Petition has been dismissed vide order dated 23.11.2015.

2. The matter pertains to grant of Kramonnati scheme benefit salary to the Respondent. State has contended that Respondent being a daily wager working on a contingent and work charged paid establishment was not entitled to the benefit of the Kramonnati Scheme and that the High Court erred in relying on the earlier judgments of Tejulal Yadav and K.L. Asre.

3. There was also some delay in filing of the SLP. The Supreme Court, although condoned the delay in filing of the SLP, but dismissed the Special Leave Petition, primarily for the reason that the SLP in Tejulal Yadav's case has already been dismissed.

4. The further course of action available to you is to file a Review Petition. However, the chances of hearing in a Review Petition are extremely slim and as such, no purpose may be served by filing a Review Petition. However, if you wish to take a chance, you can file a Review Petition.

5. Kindly consider the matter and let me have your instructions.

Thanking You,



Yours Sincerely,

(Arjun Garg)
Standing Counsel
for the State of M.P.

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(3)

Annexure A

W. P. No. 11962 2013 [S]
[Single Bench] [Service Matter]
IN THE HONOURABLE HIGH COURT OF M.P. JABALPUR

BENCH AT INDORE

PETITIONER :- Babulal Gehlot S/o Shri Jagannath ji Gehlot.
Aged 57 Yrs. Occ. Pump Operator [Contingency],
R/o 38, Nar Singh Marg Dhar
Dist. DHAR [M.P.]

V/s.

RESPONDENTS :

1. State of M.P.
Through Principal Secretary
P.H.E. Department.
Mantralaya Vallabh Bhawan
BHOPAL [M.P.]
2. Engineer-in-Chief
Public Health Engineering Dept.
BHOPAL M.P.]
3. Chief Engineer
Public Health Engineering Dept.
Dist. INDORE (M.P.)
4. Executive Engineer,
Public Health Engineering Dept.
Dhar Division Dhar
Dist. DHAR M.P.
4. Joint Director,
Treasury & Accounts Dept.
Dist. INDORE [M.P.]

27/9/17
Rashank Patwari

| | |
|----------|--|
| आवक क्र. | |
| दिनांक | |
| अधीक्षक | |
| कार्यालय | |

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.**1. PARTICULARS OF THE CAUSE/ ORDER AGAINST WHICH THIS PETITION IS MADE: -**

- (1) Date of order / notification /circular/ policy/ decision etc. :- As mentioned in succeeding paragraph.
- (2) Passed in (Case or File Number) :- As mentioned in succeeding paragraph.

Patwari



ANNEXURE-C
HIGH COURT OF MADHYA PRADESH

CASE NO. OF 20

ORDER SHEET (CONTINUATION)

| DATE & S. NO. OF THE ORDER | ORDER 1 |
|----------------------------------|--|
| | <p style="text-align: center;"><u>W.P. No. 11962/2013</u></p> <p><u>Date: 9/10/2014</u></p> <p>Shri V.K. Patwari, learned counsel for the petitioner.</p> <p>Shri S. Vyas, learned counsel for the respondents.</p> <p>Heard finally with consent.</p> <p>This order will govern disposal of WP Nos. 11962/2013, 11969/2013 and 11966/2013.</p> <p>In these writ petitions, the petitioners are members of work charge and contingency establishment who are claiming the benefit of first and second krammonati.</p> <p>A reply has been filed by State taking the stand that the claim relating to grant of first and second krammonati are not applicable to the members of the work charge and contingency establishment and the same is only applicable to the members of regular establishment.</p> <p>This issue relating to applicability of relevant circular relating to grant of first and second krammonati to the members of the work charge and contingency establishment has already been settled by this Court in the matter of <u>Teju Lal Yadav Vs. State of MP & Others reported in ILR (2009) MP 1326</u> by holding as under:-</p> <p style="text-align: center;">8. Considering the fact that under the statutory rules also the contingency paid and the work charged employees are considered to be forming a common class. There is no</p> |



ANNEXURE-C
HIGH COURT OF MADHYA PRADESH

CASE NO. OF 20

ORDER SHEET (CONTINUATION)

DATE & S.
NO. OF THE
ORDER

ORDER

2

reason why the benefit of time bound promotion which is extended to the work charged employees and why the judgment rendered in case of *K.L.Asre* (supra) be not made applicable in the case of the present employee also who has attained the status of a permanent work charged or contingency paid employees and entitled to various benefits in the matter of revision of pay and pension in identical manner.

9. A perusal of the Policy as contained in Annexure P/3 further indicated that even though the policy speaks about granting Krammanoti under the scheme to employees in the regular establishment, but by Clause (13) and (14) of the Scheme, the Government has extended the benefit of Krammanoti to vehicle drivers working in the work charged and contingency paid establishment. A perusal of Clauses (13) and (14) clearly indicated that the benefit of Krammanoti after completing 12 years and 24 years of service is made applicable to employees in the work charged and contingency paid establishment.

10. As far as work charged and contingency paid employees are concerned, their service conditions are governed by the same rules namely the Work Charged and Contingency Paid Employees Recruitment Rules, applicable to various Departments and the Work charged and Contingency Paid

