

W.P. No. 16179/2010(S)

(Devendra Singh Tomar Vs. State of M.P. & others.)

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30/11/2013.

Shri Hemant Bhannarwar. learned counsel for the petitioner.

Shri Rajesh Tiwari, Government Advocate for the respondents/State.

The petitioner before this Court, has filed this present petition being aggrieved by non-grant of Kramonnati on completion of 12/24 years of service. The contention of the petitioner is that he was appointed as a Family Planning Field Worker under the Public Health and Planning Department of the State of M.P. on 24th May 1969 on 22/10/1971 the services of the petitioner were transferred on the post of Computer in the same capacity and pay scale vide order dated 4th December, 1971 petitioner was promoted on the post of Accountant. It is submitted that by order dated 29/03/2008 the petitioner was granted special pay of Rs. 250/- per month. It is further submitted that petitioner has completed 28 years of service in 19/04/1999 but respondents have not granted him the benefit of Kramonnati. The petitioner's grievance is that he has received only one up-gradation of the pay scale during his entire service career and therefore, he is entitled for consideration for grant of second up-gradation, as he has put in more than 24 years of service, by virtue of policy

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dated 17.03.99 and 19.04.99 issued by the State Government.

A reply has been filed on behalf of the State and the respondents have categorically submitted that the petitioner has been promoted and after his promotion he was granted first Kramonnati therefore, he is not entitled for second Kramonnati. Learned counsel for the respondent/State further prays for dismissal of the writ petition.

Heard learned counsel for the parties and perused the record.

This court has carefully gone through the policy dated 17/03/99 and 19/04/99 and the same entitles a Government Servant to be considered for grant of up-gradation on completion of 12 years and 24 years of service. The opening paragraph of the policy reflects that the aforesaid benefits have been conferred pursuant to the recommendations of Pay Commission for granting minimum two up-gradations, throughout their entire service career.

In the present case the petitioner has received only one up-gradation in the pay scale and therefore, is certainly entitled for consideration of the grant of kramonnati to the next higher pay scale.

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Learned counsel for petitioner has brought to the notice of this court a judgment delivered by this Court in the case of **Nathulal Vs. State of M.P. and others, W.P. No. 5774/2009** wherein in similar circumstances this court has held that an employee who has received only one upgradation throughout his entire service career though has been promoted twice is entitled for grant of Kramonnati.

Keeping in view the judgment delivered in the case of Nathulal Vs. State of M.P. and others as well as the policy issued by the State Government dated 17.03.99 and 19.04.99, this court is of the considered opinion that the petitioner is certainly entitled to be considered for grant of one up-gradation. Therefore, in the peculiar facts and circumstances of the case the petition is allowed.

The respondents are directed to consider the case of the petitioner for grant of Kramonnati subject to the fulfillment of other conditions as per the circular dated 17.03.99. the exercise of passing a consequential order for conferring the benefits shall be concluded positively within a period of six months from the date of receipt of certified copy of this order. It is needless to mention that in case the petitioner is held entitled for the grant of Kramonnati, the

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respondents shall revise the salary of the petitioner as well as shall also revise the retiral dues of the petitioner.

With the aforesaid direction, the petition is disposed of with no order as to costs.

Certified copy as per rules.

(Rajendra Menon)
Judge

AKM