

**THE HIGH COURT OF MADHYA PRADESH**

**WP-22582-2017**

*(KAMAL SINGH THAKUR Vs THE STATE OF MADHYA PRADESH)*

**Jabalpur, Dated : 27-04-2018**

Shri Gopal Shrivastava, learned counsel for the petitioners.

Shri Rahul Mishra, learned G.A. for the respondents/State, on advance copy.

The petitioners have filed the present petition seeking a direction to the respondents to grant them benefit of regular pay-scale from the date of initial appointment and pay the arrears of salary.

Learned counsel for the petitioners submits that the Division Bench of this Court in case of **W.A. No. 346/2008 Smt. Usha Ranawat Vs. State of M.P. and others**, decided on **18.12.2008** has held that the teachers are entitled for benefit of regular pay-scale from the date of their initial appointment.

Learned Government Advocate appearing on behalf of the respondent/State submits that the petition may be disposed of with a direction to the respondents to consider their representation in the light of the judgment passed by the Division Bench at Indore Bench of this Court, in **W.A. No. 346/2008 (Smt. Usha Ranawat Vs. State of M.P. and others)**, dated **18.12.2008**.

By the aforesaid order passed, more than 25 writ appeals claiming similar benefits were decided and it was directed that the benefit of pay fixation in the regular pay scale from the initial date of appointment shall be made to the petitioner therein. In fact the Division Bench has upheld the orders passed by the learned Single Judge in various cases and while deciding the writ appeals in para 19, the following directions were issued by the Division Bench:

*"19. In view of the foregoing discussion, the appeal filed by writ petitioner succeeds and is allowed whereas writ appeals filed by the State are dismissed in limine. Impugned order of Single Bench is modified to the extent that appellant (writ petitioner) in addition to all benefits awarded by the Single Judge in the impugned order would also be entitled to claim arrears of his salary from the date of his initial appointment. In other words, the appellant will be entitled to claim the benefit of his pay fixation i.e. regular pay scale from the date*

*of his initial appointment. Let the calculation be made by respondents in the light of appellant's date of initial appointment and accordingly, the arrears payable to appellant towards his salary be paid to him/her in each case, which are subject matter of these appeals within a period of 6 months from the date of this order."*

In view of the above and the judgment delivered in the case as referred to hereinabove, this petition is allowed. The respondents are directed to extend the benefit of regular scale of pay granting the benefit of notional pay fixation since initial date of appointment to the petitioners within a period of three months from the date of communication of this order.

Keeping in view the aforesaid, respondents are directed to extend to the petitioners the benefit of pay fixation as has been extended in the case of **Smt. Usha Ranawat** (supra), with regard to payment of arrears and other benefits also.

However, if on examination respondents find that for any reason whatsoever, the benefit cannot be extended, they shall record such reasons and communicate it to the petitioners.

The petition stands allowed and disposed of with the aforesaid.

Certified copy as per rules.

(VIVEK RUSIA)  
JUDGE

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VAIBHAV YEOLEKAR  
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