

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL NO. 9780 OF 2010

STATE OF MADHYA PRADESH & ORS. .. Appellant(s)
Versus
ASHOK KUMAR KADWANE .. Respondent(s)

WITH

SPECIAL LEAVE PETITION (C) No. 13905/2009

SPECIAL LEAVE PETITION (C) No. 15380/2009

SPECIAL LEAVE PETITION (C) No. 15381/2009

SPECIAL LEAVE PETITION (C) No. 30507/2009

CIVIL APPEAL No. 9781/2010

CIVIL APPEAL No. 9782/2010

CIVIL APPEAL No. 9783/2010

CIVIL APPEAL No. 9784/2010

CIVIL APPEAL No. 9785/2010

CIVIL APPEAL No. 9786/2010

CIVIL APPEAL No. 9787/2010

SPECIAL LEAVE PETITION (C) No. 34940/2010

SPECIAL LEAVE PETITION (C) No. 3751/2011

SPECIAL LEAVE PETITION (C) No. 3761/2011

SPECIAL LEAVE PETITION (C) No. 5438/2011

SPECIAL LEAVE PETITION (C) No. 5448/2011

SPECIAL LEAVE PETITION (C) No. 5451/2011

SPECIAL LEAVE PETITION (C) No. 5460/2011

SPECIAL LEAVE PETITION (C) No. 5463/2011

SPECIAL LEAVE PETITION (C) No. 17807/2011

SPECIAL LEAVE PETITION (C) No. 19751/2011

SPECIAL LEAVE PETITION (C) No. 31699/2011

SPECIAL LEAVE PETITION (C) No. 31700/2011

SPECIAL LEAVE PETITION (C) No. 32442/2013

O R D E RCivil Appeal No. 9780 of 2010

1. Delay, if any, is condoned.
2. This appeal is directed against the judgment and order passed by the the High Court of Madhya Pradesh in Writ Appeal No. 605 of 2008, dated 24.07.2008 whereby and whereunder the High Court has extended the benefit of increment to the employees for the period of *ad hoc* officiation.
3. The issue before the High Court for consideration was whether the period spent by an Assistant Professor as *ad hoc* appointee is liable to be reckoned for the purpose of conferring the benefit of annual increment and re-fixation of pay and whether for the purpose, the starting point would be the date on which his selection was approved by the Public Service

Commission. The respondent in the instant case was appointed purely on *ad hoc* basis not as a regular appointment but only till further orders, on 22.09.1980. Counsel for the appellants on being directed, placed a circular on record, dated 12.05.1993 in which General Administration Department has directed all the departments to extend the benefit of increments as the State Government has cancelled the previous circular dated 07.04.1980 which provided that the incumbents who were appointed on *ad hoc* officiation will be entitled to basic salary only and shall not be entitle to annual increments. It was ordered by the State Government that as a consequence thereof all the employees who have been appointed on *ad hoc* basis shall be entitled to the grant of increment for the period of service on *ad hoc* officiation.

4. The High Court observed that the question

pertained to rights conferred as per circulars dated 12.05.1993 and 8.01.1993 by which State has taken a decision to cancel the previous circulars and to extend the benefit of increment to the employees for the period of *ad hoc* officiation, further the said circulars have not been withdrawn by the State Government. The High Court thus dismissed the appeal and extended the benefit of increment to the employees for the period of *ad hoc* officiation.

5. Aggrieved by the order so passed by the High Court, the appellants are before us in this appeal.

6. We have heard learned counsel for the parties to the *lis* and have perused the records of the case.

7. We are of the considered opinion that the appeal, being devoid of any merit, is liable to

be dismissed and is dismissed accordingly.

8. The question of law raised in this appeal is kept open.

Ordered accordingly.

Rest of the Matters:

In view of the order passed in Civil Appeal No. 9780 of 2010, the rest of the appeals and special leave petitions are also dismissed on the same terms, observations and directions.

The question of law raised in the appeals/special leave petitions is kept open.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[A.K. SIKRI]

NEW DELHI,
FEBRUARY 25, 2015.

ITEM NO.4

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 9780/2010

STATE OF M.P.& ORS.

Appellant(s)

VERSUS

ASHOK KUMAR KADWANE

Respondent(s)

WITH

SLP(C) No. 13905/2009
(With Office Report)

SLP(C) No. 15380/2009
(With Office Report)

SLP(C) No. 15381/2009
(With Office Report)

SLP(C) No. 30507/2009
(With Office Report)

C.A. No. 9781/2010
(With Office Report)

C.A. No. 9782/2010
(With Office Report)

C.A. No. 9783/2010
(With Office Report)

C.A. No. 9784/2010
(With Office Report)

C.A. No. 9785/2010
(With Interim Relief and Office Report)

C.A. No. 9786/2010
(With Interim Relief and Office Report)

C.A. No. 9787/2010
(With Office Report)

SLP(C) No. 34940/2010
(With Office Report)

SLP(C) No. 3751/2011
(With Office Report)

SLP(C) No. 3761/2011
(With Office Report)

SLP(C) No. 5438/2011
(With Interim Relief)

SLP(C) No. 5448/2011
(With Office Report)

SLP(C) No. 5451/2011
(With Office Report)

SLP(C) No. 5460/2011
(With Office Report)

SLP(C) No. 5463/2011
(With Office Report)

SLP(C) No. 17807/2011
(With Office Report)

SLP(C) No. 19751/2011
(With Office Report)

SLP(C) No. 31699/2011
(With Interim Relief and Office Report)

SLP(C) No. 31700/2011
(With Interim Relief and Office Report)

SLP(C) No. 32442/2013
(With Office Report)

Date : 25/02/2015 These appeals/SLPS. were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s) Mr. Mishra Saurabh, Adv.
Ms. Vanshuja Shukla, Adv.
Mr. Ankit Kr. Lal, Adv.
Mr. Kunwar Yuvraj Singh, Adv.

Mr. C.D. Singh, Adv. (NP)

Mr. B. S. Banthia, Adv. (NP)

For Respondent(s) Mr. Vivek Singh, Adv.
Mr. Firasat Ali, Adv.
Mr. Ram Swarup Sharma, Adv.

Mr. Sanjay K. Agrawal, Adv.

Mr. K.K. Tyagi, Adv.
Mr. P. Narasimhan, Adv.

Mr. Bharat Sangal, Adv.
Ms. Abeula I. Aier, Adv.
Ms. Vernika Tomar, Adv.
Ms. Daggur Malhotra, Adv.

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

Delay, if any, is condoned.

The appeals and the special leave petitions
are dismissed in terms of the signed order.

The question of law raised in these
appeal/special leave petitions is kept open.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]