

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 7087/2010

**MADHYA PRADESH LAGHU UDYOG
NIGAM MARYADIT, BHOPAL**

APPELLANT(S)

VERSUS

SUBODH GADKARI & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 7088/2010

STATE OF MADHYA PRADESH & ORS.

APPELLANT(S)

VERSUS

SUBODH GADKARI & ORS.

RESPONDENT(S)

O R D E R

Vide the Madhya Pradesh Revision of Pay Rules, 1990, the pay-scale of the Respondents, who were working as Managers Class-II (on promotion) with the Appellant-Corporation, was revised from 1820-3300 to 2200-4000. Thereafter, vide order of the State Government dated 05.01.2002 and consequential order of the Appellant-Corporation dated

14.10.2004, it was ordered that a lower pay scale of 2000-3500 was applicable to the Respondents with effect from October 2004 and not the pay scale of 2200-4000. However, the Managers Class-II who were directly recruited by the Public Service Commission were allowed to continue on the pay-scale of 2200-4000 which was originally given to all Managers Class-II. The said disparity of pay-scales for the same post created by the orders dated 05.01.2002 and 25.10.2004 was challenged before the High Court.

The Learned Single Judge of the Madhya Pradesh High Court at Indore, relying upon the Division Bench Judgment of the High Court dated 17.01.2005 in the case of *State of M.P. and Others vs. S.R. Sharma, [W.P. (S) No. 2800/2004]*, quashed the orders passed by the State Government as well as the Appellant-Corporation. The Division Bench, vide the impugned order dated 26.04.2007, confirmed the Learned Single Judge's order by relying upon the judgment of *S.R. Sharma (supra)* as well as another judgment of the High Court dated 21.08.2006 passed in the case of *M.P. State Mining Corporation Ltd. Vs. Raj Kumar Nema & Ors. [W.A. No. 173/2006]*.

Having heard the learned counsel for the parties and on perusal of the record, it is evident that the post of Manager Class-II in the Appellant-Corporation is filled up by direct recruitment as well as by promotion in a 50-50 ratio. In the absence of any difference of qualification and duties discharged by Managers Class-II on appointment by direct recruitment or

promotion, the disparity in the pay scale is not justified. Therefore, in our view, the High Court has not committed any error in quashing the orders reducing the scale of pay of the Managers Class-II appointed on promotion.

Accordingly, the appeals filed by the Corporation being bereft of any merit are dismissed.

Pending application(s), if any, shall stand disposed of.

.....**J.**
(J.K. MAHESHWARI)

.....**J.**
(K.V. VISWANATHAN)

NEW DELHI;
SEPTEMBER 20, 2023.

ITEM NO.111

COURT NO.13

SECTION IV-C

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

Civil Appeal No(s). 7087/2010

MADHYA PRADESH LAGHU UDYOG NIGAM MARYADIT
BHOPAL

Appellant(s)

VERSUS

SUBODH GADKARI & ORS.

Respondent(s)

WITH

C.A. No. 7088/2010 (IV-C)

Date : 20-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) Mr. Rajesh Kandari, Adv.
Mr. Vikrant Singh Bais, AOR

Mr. Harmeet Singh Ruprah, D.A.G.
Mr. Sunny Choudhary, AOR
Mr. Sumit Arora, Adv.

For Respondent(s) Mr. S.N. Bhat, Sr. Adv.
Mr. A.P. Dhamija, Adv.
Mr. J.P. Singh, Adv.
Ms. Tanya Sharma, Adv.
Ms. Annupama Singh, Adv.
Mr. Sarad Kumar Singhania, AOR

Mr. Vikrant Singh Bais, AOR

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

The appeals are dismissed in terms of signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed order is placed on the file)