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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 13th OF JULY, 2023

WRIT PETITION No. 3296 of 2021

BETWEEN:-

DR. NARESH SINHA

.....PETITIONER

(SHRI ABHINAV DHANODKAR, LEARNED COUNSEL FOR THE PETITIONER.)

AND

1. **THE STATE OF MADHYA PRADESH THR. PRINCIPAL SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**
2. **CHIEF MEDICAL OFFICER RATLAM (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI TARUN KUSHWAH, LEARNED GOVT. ADVOCATE FOR RESPONDENTS/STATE.)

This petition coming on for hearing this day, the court passed the following:

ORDER

1. The petitioner has filed the present petition being aggrieved by order dated 25.3.2017 whereby his representation for grant of higher pay-scale w.e.f. 1.1.1994 has been rejected. As per contents of the impugned order, name of the petitioner was considered for grant of higher pay-scale but the same was kept on hold due to non-availability

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of ACRs.

2. In this petition, notice were issued on 12.2.2021 to the respondents but no reply was filed, therefore, vide order dated 15.6.2023 the CMHO, Ratlam was directed to remain personally present before this Court to explain as to why the reply has not been filed as yet and the case was adjourned with costs of Rs.5,000/-.

Today, Dr. Nanaware, CMHO, Ratlam is present and submits that now the ACRs of the petitioner are available with the respondents.

3. The respondents took almost 10 years to search the ACRs of the petitioner. They kept this matter pending until this Court directed for personal appearance. This is second round of litigation. Earlier the petitioner approached this Court by way of petition whichw as disposed of with a direction to the respondents to consider the representation of the petitioner. The representation has been rejected as ACRs were not available. Before deciding the representation serious efforts should have been made to search the missing ACRs. of the petitioner. The ACRs. were available in the Department but without search the representation has been dismissed mechanically, therefore, the petitioner had no option but to file the present petition at the age of 75 years.

3. Accordingly, this petition is allowed. The respondents are directed to consider the case of the petitioner for grant of higher pay-scale as his ACRs are not available with them. Let the whole exercise be completed within a period of 30 days from today.

4. The ACRs which have been found in this month, could have been found in the year 2017 or prior to it, but the

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respondents/Government compelled the petitioner to approach this Court twice. This is how the Government authorities are responsible for filing of number of cases in the High Court. . When CMHO was directed to appear personally, then only ACRs have been made available. This approach of the Government should be deprecated. It is not only harassment to the retired employees, senior citizens but it is burdening the High with these types of cases. Cost of Rs.50,000/- is imposed on the State Government payable to the petitioner. Let a copy of this order be sent to the Principal Secretary of the State Government of the concerned Department.

(VIVEK RUSIA)
JUDGE

Alok/-