



1

WP-3641-2020

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 9<sup>th</sup> OF APRIL, 2026WRIT PETITION No. 3641 of 2020*RADHESHYAM VERMA AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

.....  
Appearance:

Shri Om Prakash Dwivedi - Advocate for petitioner.

Shri Kamal Singh Baghel - Govt. Advocate for respondent-State.

Shri Anand Yadav - Advocate for respondent no.7.

.....

ORDER

Petitioners have filed this writ petition under Article 226 of Constitution of India making a prayer to issue direction to respondents-authorities to consider them for grant of permanent status.

2. Counsel appearing for petitioners submitted that petitioners were engaged on contract basis vide order dated 10.07.2009. Appointment order was issued on 30.07.2009. Thereafter services of petitioners were continued by respondent-department and they are still working with them. It is submitted that State Government has formulated the policy for classifying employees as 'permanent' and grant them minimum of the pay scale admissible to their posts. It is submitted that said benefit may also be granted to petitioners. Respondents are violating Article 14 & 16 of the Constitution of India and exploiting positions of petitioners in not classifying them and



paying them less salary.

3. Govt. Advocate for respondent-State submitted that State Govt. has formulated a policy dated 07.10.2016. Policy was formulated to give benefit to those daily wagers who could not be regularized in service. As per policy, daily wagers are to be classified as 'skilled', 'semi-skilled' and unskilled' workers. Such daily wagers, who are working with respondent-department since last 10 years, are to be given the benefit. It is submitted that said benefit is not available to those workers who are engaged on contract basis or are outsourced or they are employed temporarily. It is submitted that considering aforesaid conditions, benefit of classification has not been extended to petitioners. There is no illegality in order passed by respondents-authorities. Reasoned order has been passed, therefore, no interference is called for in writ petition.

4. Heard learned counsel for parties.

5. On going through the facts and circumstances of the case, it is found that though petitioners were employed on contract basis for a limited term but their contract has been extended by State Government from time to time. Now petitioners are working for about 16 years or more with the State Government. They were not classified as 'skilled', 'semi-skilled' and unskilled' workers and benefit of permanent status is denied to them as they are contract employees. Policy dated 07.10.2016 was formulated by State Government so that employees who cannot be regularized in service for want of sanction and vacant post, can be given benefit of classification and they can be paid salary minimum of the pay scale admissible to them so that an



employee will have decent living condition. Circular of 07.10.2016 is a master stroke of State Government, which is consistent with Article 38, 39(a) and 43. Aforesaid articles are quoted as under :

*38. (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.*

*(2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.*

*39. The State shall, in particular, direct its policy towards securing--*

*(a) that the citizens, men and women equally, have the right to an adequate means to livelihood;*

X X X

*43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.*



6. In view of above, since petitioners are being engaged repeatedly by the State Government on contract basis which shows that there is constant requirement of services of petitioner by the State Government. Petitioner cannot be given less wages from other persons and denied adequate means of livelihood, economic justice and decent standard of life. Petitioner ought to have been given benefit of circular dated 07.10.2016 classifying and granting permanent status like any other daily wager. There is no rational in not giving benefit of circular dated 07.10.2016 to 'contract', 'outsourced' and 'part time' workers engaged by the State Government, if they are consistently being engaged by the State Government for more than 10 years, then said workers are also required to be given benefit of classification and are to be paid minimum of wages of the pay scale admissible to their posts.

7. Resultantly, writ petition filed by petitioner is allowed. Respondents are directed to pass orders classifying petitioners in accordance with circular dated 07.10.2016 and extend all consequential benefits available to them.

8. With aforesaid, writ petition is **allowed and disposed of**.

9. Certified copy as per rules.

**(VISHAL DHAGAT)**  
**JUDGE**