

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 6th OF JANUARY, 2026

WRIT PETITION No. 12125 of 2021

WASIM AKRAM AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Kailash Chandra Ghildiyal - Senior Advocate with
Shri Awadhesh Kumar Ahirwar - Advocate for the petitioners.

Shri Piyush Jain - Govt. Advocate for the respondent No.1/State.

Shri Brijesh Nath Misra - Advocate for the respondents No.2-7.

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WITH

WRIT PETITION No. 6603 of 2023

KU SWATI JAIN AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Praveen Dubey - Advocate for the petitioners No.1 and 2.

Shri Piyush Jain - Govt. Advocate for the respondent No.1/State.

Shri Brijesh Nath Misra - Advocate for the respondents No.2-4.

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WRIT PETITION No. 13195 of 2023

ADITYA MISHRA AND OTHERS

Versus

STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Utkarsh Kumar Sonkar - Advocate for the petitioners.

Shri Piyush Jain - Govt. Advocate for the respondents No.1 and 2/State.

Shri Brijesh Nath Misra - Advocate for the respondents No.3-5.

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ORDER

Per. Justice Vivek Rusia

The issue involved in these writ petitions is common; thus, they are being decided by this common order. For the sake of convenience, the facts of W.P. No.12125/2021 are being taken to decide the controversy involved herein.

2. The petitioners have approached this Court challenging the orders dated 06.10.2020 (Annexure P/7), 22.03.2021 (Annexure P/8), 06.04.2021, 13.05.2021, 16.04.2021, 20.04.2021 and 30.04.2021 passed by the respondents No.2-7 respectively, whereby the recovery has been started from the monthly salary in compliance of the circular issued by the General Administration Department of the State Government dated 12.12.2019. According to the aforesaid circular, these petitioners have been held entitled to get 70%, 80% and 90% of the minimum pay scale of the post in question during their first, second and third years of probation, respectively. Most of the petitioners were paid full salary as per the pay scale and later on, regularized to the service; some of the petitioners were paid reduced salaries as well. At a later point of time, this circular dated 12.12.2019 was brought to the knowledge of the concerned District Courts and in compliance of which, an order of recovery has been passed.

3. In most of the writ petitions, this Court has stayed the recovery by

way of an interim order and in some cases, the recoveries have been made. The aforesaid circular came up for consideration before the Coordinate Bench of this Court in the case of *The State of Madhya Pradesh and Others Vs. Dilliraj Bhilala* passed in W.A. No.1498/2024 dated 28.04.2025. This Court has virtually struck down the aforesaid circular as no logic was found behind the grant of reduced salary in three slabs during the probation periods of three years, when the regular work was taken from these employees. Later on, the aforesaid order has been followed in the case of *Indore Municipal Corporation Vs. Vinita Tiwari and Others* passed in W.A. No.2977/2025 dated 31.10.2025 by dismissing the writ appeal. Paras-6 and 7 are reproduced below:-

6. For the Class III and Class IV employees, the circular dated 12.12.2019 was issued by the General Administration Department for the persons whose services are governed by the Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961 under Rule 8(1). Clause 2 of the circular stipulates that the above conditions shall be made applicable to those posts for which the Public Service Commission does not conduct the examination. The Finance Department was authorized to make the amendment in the Madhya Pradesh Fundamental Rules. Therefore, there cannot be a discrimination between the employees appointed through MPPSC and the employees appointed by other agencies of the State. Those who are appointed through the MPPSC will get the minimum pay scales and the employees appointed by other State agencies will get 70%, 80% and 90% of the minimum pay scale during the first, second and third years of the probation period. There is no reasonableness in creating two classes of probationers. The circular dated 12.12.2019 of the GAD has already been deprecated by this Court in W.A. No.1498 of 2024 in

case of the State of Madhya Pradesh & Ors. vs. Dilliraj Bhilala vide order dated 28.04.2025. If an employee is appointed on a post through proper channel after following the due process even on probation, he/she is entitled to get minimum pay scale at par with other employees under the principle of 'Equal Pay for Equal Work'. There is no reason or logic for payment of stipend at the rate of 70%, 80% and 90% of the minimum pay scale during the probation period. Therefore, the objection taken by the appellant is not tenable. The petitioners have worked on the post in question therefore they are entitled to get full salary of the post without any deduction.

7. In view of the discussions in the foregoing paragraphs, we do not find any illegality or perversity in the impugned order passed by the learned writ Court. Accordingly, finding no ground for interference, this appeal stands dismissed.

4. A similar view has also been taken by the High Court of Chhattisgarh in WPS No.6436/2021 dated 19.11.2025 [*Amrit Lal Sahu and Others Vs. State of Chhattisgarh and Others*) and other bunch of writ petitions. In view of the above, all the writ petitions succeed, and the impugned order as well as the recovery are both quashed. Any amount recovered from the petitioners be returned to them, and petitioners who did not get 100% salary during the probation periods shall be paid 100% salary for that period.

(VIVEK RUSIA)
JUDGE

(DEEPAK KHOT)
JUDGE