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WP-25908-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 11th OF FEBRUARY, 2026

WRIT PETITION No. 25908 of 2025

MANISH SONI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ravi Mahendra Kumar Vyas - Advocate for petitioners.

*Shri Rajesh Tiwari - Government Advocate for respondents No. 1,
3 to 5/State.*

Smt. Amrit Kaur - Advocate for respondent No.2.
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ORDER

Petitioners have filed this petition under Article 226 of the Constitution of India making a prayer to issue writ of mandamus to respondents to provide benefit to them of pay matrix level to equivalent post of 7th Pay Commission as provided to other similarly situated contract employees. Prayer is also made to regularize the service of petitioners on post of Ward Boy in accordance with judgment passed by Apex Court in case of *Secretary, State of Karnataka vs. Umadevi*, reported in *(2006) 4 SCC 1*.

2. Brief facts of the case are that petitioners were appointed on post of Ward Boy vide orders dated 30.07.2013, 14.08.2013 and 16.08.2013 on



contractual basis for period of one year. Petitioners were so appointed as respondents had upgraded District Hospital Damoh and increased its capacity to 300 bed hospital vide order dated 14.07.2008. Temporary posts were created and petitioners were appointed on contractual basis. Contract of petitioners was extended from time to time. Other contractual employees vide orders dated 25.09.2023 and 27.09.2023 were granted benefit of 7th Pay Commission.

3. Counsel appearing for petitioners submitted that action of respondents is arbitrary and discriminatory in nature and same is violative of Articles 14 and 16 of Constitution of India. Petitioners ought to have been given similar benefits, which have been extended to other similarly situated employees. It is submitted that petitioners are continuing as contract employee Ward Boy since last 10 years. Petitioners have right to regularization and they be granted benefit of 7th Pay Commission as has been extended to similarly situated employees. In view of aforesaid submissions, prayer is made to regularize petitioners and grant them benefits of 7th Pay Commission.

4. Government Advocate appearing for respondents/State as well as counsel appearing for respondent No.2/Mission submitted that writ petition is not maintainable as petitioners are contractual employees appointed on temporary post for fixed term. Their services are governed by terms of their contract appointment and there is no violation of Articles 14 and 16 of the Constitution of India. Orders dated 25.09.2023



and 27.09.2023 pertain to specific category of contractual employees under National Health Mission framework, such as Community Health Officers and other NHM staff, who are engaged in distinct schemes with different service conditions, funding sources and policy guidelines. Petitioners are Ward Boy appointed for hospital support services outside NHM cadre and they do not fall within ambit of these orders. Benefit of pay matrix level equivalent to 7th Pay Commission are not applicable to petitioners. Appointment of petitioners are purely contractual and temporary in nature. Petitioners do not pass test of regularization which has been laid down by Apex Court in case of *Secretary, State of Karnataka vs. Umadevi* reported in (2006) 4 SCC 1. Posts are purely temporary in nature. In view of same, no interference is called for and writ petition be dismissed.

5. Heard the counsel for the parties.

6. Petitioners were engaged as Ward Boy on contractual basis. Contract was renewed from time to time and petitioners continued to work as support staff Ward Boy. Department of Public Health and Family Welfare has passed order on 27.09.2023 granting benefit of matrix level pay laid down in 7th Pay Commission to contractual paramedical employees and non-clerical employees and has issued new directives in respect of contract employees. As per new directives, contract employees are to be given benefit of compassionate appointment. They were to be given minimum monthly remuneration



equivalent to regular employees getting in their matrix level as per 7th Pay Commission, which was made payable to them from 01.08.2023. They were also entitled to get 13 days Casual Leave, 3 days Optional Leave and 15 days Special Leave in one year. Women employees are also entitled for Maternity Leave in accordance with Madhya Pradesh Civil Services (Leave) Rules, 1977. Male employees will be entitled to 15 days Paternity Leave. Services of contractual employees will come to an end on attaining age of 62 years. Employees and their legal heirs will be entitled for getting benefits of gratuity under Payment of Gratuity Act, 1972. They will also get benefit of National Pension Scheme Policy. Their services were made subject to transfer like regular employees in accordance with transfer policy. Said employees are to be given benefit of regularization on regular post as per GAD Circular dated 22.07.2023. Salary of petitioners is being drawn from Head 64-Anusuchit Jatiyon Ke Liye Vishesh Ghatak Yojna, 2210-Chikitsa Aur Lok Swasthya, 01-Shahri Swasthya Sewayen, 110-Aspatal and Aushdhalay, 0103-Anusuchit Jati Upyojna, 8795-Chikitsalayan Ka Unnayan. Engagement of petitioners was on collectorate rate as semi skilled workers on contract basis.

7. On going through order dated 27.09.2023, it is found that benefit of 7th Pay Commission and minimum of salary in accordance with their matrix level is to be given to paramedical and non-clerical staff. In order dated 27.09.2023, post of petitioners i.e. Ward Boy has not been



included. Appointment of petitioners is contractual in nature and they were termed as daily wagers and being paid at collectorate rate. Engagement of petitioners is being continued for last more than 10 years. Hospital has been upgraded to 300 bed hospital and sanction has been taken from State Government for engagement of petitioners. Though, sanction is for temporary posts but posts are sanctioned by State Government. State Government has come up with Policy to grant benefit of regularization to employees, who are appointed on contractual basis. Once hospital has been upgraded to 300 beds hospital, there is no possibility that it will be downgraded to hospital having lesser number of beds, which shows that requirement of petitioners is continuous. In view of same, respondents ought to have issued orders to grant them benefits which have been given to paramedical and non-clerical staff vide order dated 27.09.2023. In view of aforesaid, respondents are directed to grant benefits to petitioners like regular Ward Boy working in hospital. Petitioners should be placed in minimum pay of matrix level of 7th Pay Commission for post of Ward Boy. Scrutiny Committee is also directed to give them benefits of circular of State Government dated 22.07.2023, if petitioners are found entitled for regularization.

8. In view of above discussion, writ petition is disposed off with following directions:

(i) To grant petitioners benefit of minimum of pay scale of matrix level of 7th Pay Commission equivalent to post of Ward Boy. Benefits



be given within 60 days from date of order and arrears from 01.08.2023 is to be paid to petitioners.

(ii) Secretary, Public Health and Family Welfare, Government of M.P., shall consider the case of petitioners for regularization as per Circular of GAD dated 22.07.2023. Said exercise and scrutiny be completed within a period of six months from date of order.

9. Petition is **allowed and disposed off**.

(VISHAL DHAGAT)
JUDGE

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