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RP-1397-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 14th OF AUGUST, 2026

REVIEW PETITION No. 1397 of 2026

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

PREETAM PRASAD DUBEY

.....
Appearance:

Shri Anubhav Jain- Government Advocate for appellant/State.
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ORDER

Per. Vivek Rusia, Acting Chief Justice

Heard on I.A No.14900 of 2026 and admission.

The petitioner/State of M.P has filed the present Review Petition under Order 47, Rule 1 of the Civil Procedure Code, 1908, seeking review of order dated 15.05.2026 (Annexure R-1) passed in Writ Appeal No.1589/2022, whereby the said appeal was dismissed by this Court.

2. The brief facts of the case are that the respondent-employee filed a writ petition to retire him at the age of 62 years instead of 60 years and permit him to continue in service till attaining 62 years of age. It was contended that the Respondent employee was engaged as daily wage Time Keeper/Sthal Sahayak and was given permanent status as a skilled worker. The Respondent further relied on a notification issued amending Rule 56 of



the M.P. Shaskiya Sevak Adhivarshiki Ayu Adhiniyam, enhancing the age of superannuation of government servants to 62 years. Thus, the respondent-employee sought the relief as stated above for an enhancement in retirement age.

3. This review petition is filed on various grounds which had already been taken in the reply filed in the writ petition; hence, rehearing of Writ Appeal is not permissible under the garb of review.

4 . While passing the order dated 15.05.2026 in Writ Appeal No.1589/2022, this Court duly considered the effect of the circular dated 03.05.2017 and held that there is no difference in pay and other service conditions. There cannot be a different age of retirement for Class III and Class IV employees who got the status of Sthai Karmi from the status of daily wager under the policy dated 07.10.2016.

5. Further, no reasonable justification has been given by the state to justify a difference in the age of superannuation for Class-III and Class-IV employees who had earlier worked as Daily Rated employees.

6. According to the state cause in the matter of "*State of M.P. Vs. Ramjilal Prajapati*" passed in R.P. 587/2017, the Hon'ble Division Bench had observed that the Petitioner, being a Supervisor, who is a Class III post, the employee working on the said post was entitled to be retired at the age of 60 years. So far as the judgment dated 07.08.2018 passed in the Review Petition No.587/2017 (*State of Madhya Pradesh Vs. Ramjilal Prajapati*) is concerned, that was the case in which the policy dated 07.10.2016 was not under consideration, and Ramjilal Prajapati was not enjoying the status of Sthayi



Karmi under the said policy. Therefore, the aforesaid judgment is not applicable in the present case. Moreover, in the year 2019, the state enhanced the age of superannuation up to 62 years for daily wagers who were engaged on class III posts; hence the circular dated 3.5.2017 stands superseded, which discriminated against continuation in the service till the age of 60 and 62 years for class III and Class IV posts, respectively.

7. In view of the above, the present Review Petition is dismissed, and all the pending applications are also dismissed.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

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